

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — FRIDAY, MAY 9, 2003

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 561).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Oliveira.

The invocation was offered by Steve Daily, pastor, Shady Crest Baptist Church, Pearland, as follows:

Our Father in heaven, I come to you this morning recognizing that you are our sovereign creator. You are the king of kings and the lord of lords. I want to thank you for creating the institution of government which you have designed for our protection and for our mutual benefit as citizens. I am especially grateful for the religious freedoms that we all enjoy, which includes our right to worship you as we choose and to propagate our faith both in private and in public. It is for this reason above all others that I am asking for your continuing grace, protection, and blessings upon this great government of ours and upon all of those individuals who lead us at both the national and state levels.

It is my prayer that your divine guidance will be present here today. I pray that you will give these great and honorable leaders the clarity of thought that they need to make wise decisions and to fulfill their obligations with joy, satisfaction, and efficiency.

It is also my prayer that you will help us all as citizens and patriots to give our leaders as much support as we possibly can. Help us not to malign any of them, but rather, to be submissive, and helpful, uncontentious, gentle, considerate, and respectful. May we teach our children to do the same, so that their opportunity to lead us may be filled with joy and not with grief.

And may our greater concern be, not for our own personal success, but rather, the success of our community and that above all we should be zealous for your divine glory. And it is in the name of your only begotten son Jesus Christ that I pray. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leave of absence for today because of illness:

Bonnen on motion of Solomons.

Kuempel on motion of Elkins.

The following member was granted leave of absence for today because of important business in the district:

Kolkhorst on motion of Geren.

The following member was granted leave of absence for today and tomorrow because of important business in the district:

Oliveira on motion of Wise.

CAPITOL PHYSICIAN

The speaker recognized Representative W. Smith who presented Dr. P. J. Mock of La Porte as the "Doctor for the Day."

The house welcomed Dr. Mock and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 1091 - ADOPTED (by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1091**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1091, Honoring the members of the orchestra and guitar classes at Pershing Middle School in Houston for their success in UIL competitions.

HR 1091 was adopted without objection.

HR 1092 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1092**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1092, Welcoming students from the gifted and talented program of Pershing Middle School in Houston to the State Capitol on May 8, 2003.

HR 1092 was adopted without objection.

HR 983 - ADOPTED
(by Krusee)

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 983**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 983, Honoring the Rabbit Hill School's Garden of Memories dedication ceremony, a tribute to the life of Robert "Bob" Clyde Williamson of Florence.

HR 983 was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gattis who introduced the family of Robert "Bob" Williamson.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 37).

(Lewis in the chair)

HR 998 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 998**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 998, Honoring Spicewood Elementary School for earning exemplary status during the 2001-2002 school year.

HR 998 was adopted without objection.

HR 999 - ADOPTED**(by Stick)**

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 999**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 999, Honoring Laurel Mountain Elementary School for earning exemplary status during the 2001-2002 school year.

HR 999 was adopted without objection.

HR 1000 - ADOPTED**(by Stick)**

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1000**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1000, Honoring Westwood High School for earning exemplary status during the 2001-2002 school year.

HR 1000 was adopted without objection.

HR 1001 - ADOPTED**(by Stick)**

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1001**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1001, Honoring Canyon Vista Middle School for earning exemplary status during the 2001-2002 school year.

HR 1001 was adopted without objection.

HR 1002 - ADOPTED**(by Stick)**

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1002**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1002, Honoring Davis Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1002 was adopted without objection.

HR 1003 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1003**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1003, Honoring Timmerman Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1003 was adopted without objection.

HR 1004 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1004**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1004, Honoring Brookhollow Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1004 was adopted without objection.

HR 1005 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1005**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1005, Honoring Canyon Creek Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1005 was adopted without objection.

HR 1006 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1006**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1006, Recognizing the "Sustainable Energy Engineers" from Maplewood Elementary School in Austin.

HR 1006 was adopted without objection.

HR 1111 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1111**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1111, Welcoming Daoen Zheng and Xiaoping Zheng from the People's Republic of China.

HR 1111 was adopted without objection.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 1111** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Alonzo who introduced Xiaozhen Zheng and her parents, Daoen and Xiaoping Zheng.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 1089 - ADOPTED
(by Noriega)

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1089**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1089, Congratulating José A. Guerrero on his graduation from the University of Houston.

HR 1089 was adopted without objection.

On motion of Representative Alonzo, the names of all the members of the house were added to **HR 1089** as signers thereof.

HR 1007 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1007**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1007, Honoring Windermere Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1007 was adopted without objection.

HR 1008 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1008**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1008, Honoring Windermere Primary School for earning exemplary status during the 2001-2002 school year.

HR 1008 was adopted without objection.

HR 1009 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1009**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1009, Honoring North Oaks Elementary School for earning exemplary status during the 2001-2002 school year.

HR 1009 was adopted without objection.

HR 1115 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 1115**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1115, Commending the students involved in the Project Bridge art project.

HR 1115 was adopted without objection.

(Speaker in the chair)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 1457 ON SECOND READING
(by Eiland)

HB 1457, A bill to be entitled An Act relating to the authorization of the imposition of a temporary prohibition on enforcement of the law governing access to public beaches following a meteorological event.

HB 1457 was read second time on May 8 and was postponed until 10 a.m. today.

Representative Eiland moved to postpone consideration of **HB 1457** until 11:30 a.m. today.

The motion prevailed without objection.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 2548 ON THIRD READING
(by King, Swinford, Baxter, et al.)**

HB 2548, A bill to be entitled An Act relating to electric transmission capacity.

A record vote was requested.

HB 2548 was passed by (Record 562): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Oliveira.

Absent — Goodman; Hodge; McReynolds; Swinford.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

SB 418 ON THIRD READING**(Smithee, Eiland, Bonnen, Lewis, Swinford, et al. - House Sponsors)**

SB 418, A bill to be entitled An Act relating to the regulation and prompt payment of health care providers; providing penalties.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **SB 418**:

Amend **SB 418**, on third reading, by inserting the following appropriately numbered SECTION and renumbering the SECTIONS of the bill appropriately:

SECTION _____. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.30 to read as follows:

Art. 21.30. WAIVER OF CERTAIN PROVISIONS FOR CERTAIN FEDERAL PLANS. If the commissioner of insurance, in consultation with the commissioner of health and human services, determines that a provision of Section 3A, 3C-3J, or 10-12, Article 3.70-3C, of this code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, Section 843.209 or 843.319 of this code, Subchapter J, Chapter 843, of this code, or Article 21.52Z of this code will cause a negative fiscal impact on the state with respect to providing benefits or services under Subchapter XIX, Social Security Act (42 U.S.C. Section 1396 et seq.), as amended, or Subchapter XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, the commissioner of insurance by rule shall waive the application of that provision to the providing of those benefits or services.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Smithee offered the following amendment to **SB 418**:

Amend **SB 418** on third reading as follows:

(1) In SECTION 4 of the bill, strike Subsection (h), Section 3E, Article 3.70-3C, Insurance Code, as added by second reading amendment No. 8 by Smithee, and substitute the following:

(h)(1) Except as provided by this subsection and notwithstanding any other provision of this article, if an insurer declines to verify a medical care or health care service under this section, the physician or provider is not required to comply with any contractual requirement that the physician or provider hold a patient harmless for the medical care or health care service under Section 3(k) of this article. A contract between an insurer and a physician or provider must provide that the exercise of the physician's or provider's rights under this subsection may not be the basis for termination of or discrimination against the physician or provider under the contract or the basis for a penalty or discrimination against the physician or provider in participation in other health care products or plans.

(2) If an insurer in error declines to verify a medical service or health care service under this section, and the patient pays any amount in excess of the contractual amount, less any appropriate co-payments or deductibles, the patient may recover the amount in excess of the contractual amount from the physician or provider if:

(A) not later than the 180th day after the date the patient receives notice of the declination, the patient provides written notice to the physician or provider of the insurer's correction of the declination; and

(B) requests a refund of the overpayments.

(3) An insurer that makes an error in declination of verification shall inform the insured and physician or provider of the error without delay and pay to the insured any payment made by the insured to the physician or provider by the insured up to the contractual amount less any appropriate copayments or deductibles. Any remaining contractual amount not paid by the insurer shall be paid to the physician or provider in accordance with this article.

(2) In SECTION 19 of the bill, strike Subsection (h), Section 843.347, Insurance Code, as added by second reading amendment No. 8 by Smithee, and substitute the following:

(h) Except as provided by this subsection and Subsections (i) and (j) and notwithstanding any other provision of this chapter, if a health maintenance organization declines to verify a health care service under this section, the physician or provider is not required to comply with any contractual requirement that the physician or provider hold a patient harmless for the health care service under Section 843.361. A contract between a health maintenance organization and a physician or provider must provide that the exercise of the physician's or provider's rights under this subsection may not be the basis for termination of or discrimination against the physician or provider under the contract or the basis for a penalty or discrimination against the physician or provider in participation in other health care products or plans.

(i) If a health maintenance organization in error declines to verify a health care service under this section, and the patient pays any amount in excess of the contractual amount, less any appropriate copayments or deductibles, the patient may recover the amount in excess of the contractual amount from the physician or provider if:

(1) not later than the 180th day after the date the patient receives notice of the declination, the patient provides written notice to the physician or provider of the health maintenance organization's correction of the declination; and

(2) requests a refund of the overpayments.

(j) A health maintenance organization that makes an error in declination of verification shall inform the patient and physician or provider of the error without delay and pay to the patient any payment made by the patient to the physician or provider by the patient up to the contractual amount less any appropriate co-payments or deductibles. Any remaining contractual amount not paid by the health maintenance organization to the patient shall be paid to the physician or provider in accordance with this chapter.

Amendment No. 2 was adopted without objection.

HR 1078 - ADOPTED
(by Solomons)

Representative Solomons moved to suspend all necessary rules to take up and consider at this time **HR 1078**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1078, Welcoming a delegation from Rosemeade Elementary School in Carrollton to the Capitol.

HR 1078 was adopted without objection.

SB 418 - (consideration continued)

SB 418, as amended, was passed.

POSTPONED BUSINESS

The following bills and resolutions were laid before the house as postponed business:

HJR 49 ON SECOND READING
(by Callegari)

HJR 49, A joint resolution proposing a constitutional amendment relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

HJR 49 was read second time on April 29 and was postponed until 11 a.m. today.

Representative Callegari moved to postpone consideration of **HJR 49** until 11 a.m. Tuesday, May 13.

The motion prevailed without objection.

HB 2477 ON SECOND READING
(by Callegari)

HB 2477, A bill to be entitled An Act relating to the provision of parks and recreational facilities by certain conservation and reclamation districts.

HB 2477 was read second time on April 29 and was postponed until 11 a.m. today.

Representative Callegari moved to postpone consideration of **HB 2477** until 11 a.m. Tuesday, May 13.

The motion prevailed without objection.

SB 486 ON SECOND READING
(Capelo - House Sponsor)

HB 1926, A bill to be entitled An Act relating to immunization of children.

SB 486 was considered in lieu of **HB 1926**

SB 486 was read second time.

Representative Capelo moved to postpone consideration of **SB 486** until 11 a.m. Tuesday, May 13.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness in the family:

Nixon on motion of Thompson.

(Grusendorf in the chair)

SB 619 ON SECOND READING

(West - House Sponsor)

SB 619, A bill to be entitled An Act relating to oil spill prevention and response.

SB 619 was considered in lieu of **CSHB 1402**.

SB 619 was read second time and was passed to third reading.

CSHB 1402 - LAID ON THE TABLE SUBJECT TO CALL

Representative West moved to lay **CSHB 1402** on the table subject to call.

The motion prevailed without objection.

HB 1457 ON SECOND READING

(by Eiland)

HB 1457, A bill to be entitled An Act relating to the authorization of the imposition of a temporary prohibition on enforcement of the law governing access to public beaches following a meteorological event.

HB 1457 was read second time on May 8, postponed until 10 a.m. today, and was again postponed until 11:30 a.m. today.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 1457**:

Amend **HB 1457** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 61.011, Natural Resources Code, is amended by amending Subsections (c) and (d) and adding Subsection (f) to read as follows:

(c) The commissioner ~~[attorney general]~~ shall strictly and vigorously enforce the prohibition against encroachments on and interferences with the public beach easement. ~~[The attorney general shall develop and publicize an enforcement policy to prevent and remove any encroachments and interferences on the public beach. The land office may assist the attorney general in enforcing this subchapter.]~~

(d) The commissioner shall promulgate rules, consistent with the policies established in this section, on the following matters only:

(1) acquisition by local governments or other appropriate entities or public dedication of access ways sufficient to provide adequate public ingress and egress to and from the beach within the area described in Subdivision (6) ~~[of this subsection]~~;

(2) protection of the public easement from erosion or reduction caused by development or other activities on adjacent land and beach cleanup and maintenance;

(3) local government prohibitions of vehicular traffic on public beaches, provision of off-beach parking, and other minimum measures needed to mitigate for any adverse effect on public access and dune areas;

(4) imposition of beach access, user, or parking fees and reasonable exercises of the police power by local governments with respect to public beaches;

(5) contents and certification of beach access and use plans and standards for local government review of construction on land adjacent to and landward of public beaches; ~~and~~

(6) construction on land adjacent to and landward of public beaches and lying in the area either up to the first public road generally parallel to the beach or to any closer public road not parallel to the beach, or to within 1,000 feet of mean high tide, whichever is greater, that affects or may affect public access to and use of public beaches; and

(7) the temporary suspension under Section 61.0185 of enforcement of the prohibition against encroachments on and interferences with the public beach easement and the ability of a property owner to make repairs to a structure while a suspension is in effect.

(f) Chapter 2007, Government Code, does not apply to rules adopted under Subsection (d)(7).

SECTION 2. Sections 61.015(b)-(d), Natural Resources Code, are amended to read as follows:

(b) Local governments shall submit proposed beach access and use plans to the commissioner for certification as to compliance with such policies and rules ~~[and to the attorney general for review and comment]~~. The commissioner shall act on a local government's proposed beach access and use plan within 60 days of submission by either approving the plan or denying certification. In the event of denial, the commissioner shall send the proposed plan back to the originating local government with a statement of specific objections and the reasons for denial, along with suggested modifications. On receipt, the local government shall revise and resubmit the plan. The commissioner's certification of local government plans shall be by adoption into the rules under Section 61.011 ~~[of this code]~~.

(c) A littoral owner proposing construction adjacent to and landward of a public beach in the area described in Section 61.011(d)(6) ~~[of this code]~~ shall submit a development plan to the appropriate local government. The local government shall forward the development plan to the commissioner ~~[and the~~

~~attorney general~~] no less than 10 working days prior to acting on the development plan. The commissioner [~~or the attorney general~~] may submit comments on the proposed construction to the local government.

(d) The local government shall review the proposed development plan and the commissioner's [~~and attorney general's~~] comments and other information the local government may consider useful to determine consistency with the local government's beach access and use plan.

SECTION 3. Sections 61.018(a) and (d), Natural Resources Code, are amended to read as follows:

(a) Any county attorney, district attorney, or criminal district attorney, or the [The] attorney general[~~, individually or~~] at the request of the commissioner, [~~or any county attorney, district attorney, or criminal district attorney~~] shall file in a district court of Travis County, or in the county in which the property is located, a suit to obtain either a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove or prevent any improvement, maintenance, obstruction, barrier, or other encroachment on a public beach, or to prohibit any unlawful restraint on the public's right of access to and use of a public beach or other activity that violates this chapter.

(d) Any county attorney, or the [The] attorney general[~~, either individually or~~] at the request of the commissioner [~~or any county attorney~~], may bring a suit for a declaratory judgment to try any issue affecting the public's right of access to or use of the public beach.

SECTION 4. Subchapter B, Chapter 61, Natural Resources Code, is amended by adding Section 61.0185 to read as follows:

Sec. 61.0185. TEMPORARY SUSPENSION OF SUBMISSION OF REQUESTS THAT ATTORNEY GENERAL FILE SUIT. (a) The commissioner by order may suspend for a period of two years from the date the order is issued the submission of a request that the attorney general file a suit under Section 61.018(a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove an improvement, obstruction, barrier, or other encroachment from a public beach if the commissioner determines that:

(1) the line of vegetation establishing the boundary of the public beach has moved as a result of a meteorological event;

(2) the improvement, obstruction, barrier, or other encroachment was located landward of the line of vegetation before the meteorological event; and

(3) the improvement, obstruction, barrier, or other encroachment does not present an imminent threat to public health and safety.

(b) The commissioner shall notify the attorney general and each pertinent county attorney, district attorney, or criminal district attorney of the issuance of an order under this section.

(c) A county attorney, district attorney, or criminal district attorney may not file suit under Section 61.018(a) to obtain a temporary or permanent court order or injunction, either prohibitory or mandatory, to remove an improvement, obstruction, barrier, or other encroachment from a public beach while the improvement, obstruction, barrier, or other encroachment is subject to an order issued under this section.

(d) While an order issued under this section is in effect, a local government may:

(1) issue a certificate or permit authorizing repair of a structure subject to the order if the local government determines that the repair complies with rules adopted by the commissioner under Section 61.011(d)(7); and

(2) allow utilities to be reconnected to a structure subject to the order.

(e) Issuance of an order under this section is purely within the discretion of the commissioner. This section does not create:

(1) a duty on the part of the commissioner to issue an order related to all or part of an improvement, obstruction, barrier, or other encroachment, regardless of any determination made; or

(2) a private cause of action for:

(A) issuance of an order under this section; or

(B) failure to issue an order under this section.

(f) Chapter 2007, Government Code, does not apply to an order issued under this section.

SECTION 5. Section 61.022(c), Natural Resources Code, is amended to read as follows:

(c) A local government proposing to adopt or amend such vehicular traffic regulations, except those for public safety, or fees shall submit a plan detailing the proposed action to the ~~[attorney general and the]~~ commissioner for review. The commissioner shall certify whether the proposed action is consistent or inconsistent with such policies and rules. Certifications of consistency shall be by adoption into the rules promulgated under Section 61.011 ~~[of this code]~~.

SECTION 6. Section 61.026(b), Natural Resources Code, is amended to read as follows:

(b) The land office ~~[or the attorney general's office]~~ may develop and distribute public information about the requirements of this chapter, the importance of natural beach and dune systems, and the necessity for preserving them. Such information may include public service announcements made under the direction of the land office.

SECTION 7. Section 63.054(c), Natural Resources Code, is amended to read as follows:

(c) Each county or municipality administering this chapter shall establish procedures and requirements governing the review and approval of dune permits, and these procedures and requirements shall be submitted to the commissioner ~~[and attorney general]~~ for ~~[their]~~ comments.

SECTION 8. Section 63.181(a), Natural Resources Code, is amended to read as follows:

(a) Any county attorney, district attorney, or criminal district attorney, or the ~~[The]~~ attorney general~~[- individually or]~~ at the request of the commissioner, ~~[or any county attorney, district attorney, or criminal district attorney]~~ shall file in a district court of Travis County or in the county in which the violation occurred a suit to obtain either a temporary or permanent court order or injunction to prohibit

and remedy any violation of this chapter or any rule, permit, or order under this chapter and to collect damages to natural resources injured by the violation and to recover civil penalties.

SECTION 9. Section 61.011(e), Natural Resources Code, is repealed.

SECTION 10. (a) This Act takes effect September 1, 2003.

(b) Section 61.0185, Natural Resources Code, as added by this Act, applies to a meteorological event that occurs before, on, or after the effective date of this Act.

Amendment No. 2

Representative Eiland offered the following amendment to Amendment No. 1:

Amend the proposed floor substitute by Eiland to **HB 1457** as follows:

(1) On page 4, line 25, strike "an improvement, obstruction, barrier, or other encroachment" and substitute "a dwelling or other improvement".

(2) On page 5, lines 2 and 3, strike "improvement, obstruction, barrier, or other encroachment" and substitute "dwelling or other improvement".

(3) On page 5, line 3, between "of the" and "line of", insert "natural".

(4) On page 5, line 4, strike "and".

(5) On page 5, lines 5 and 6, strike "improvement, obstruction, barrier, or other encroachment" and substitute "dwelling or other improvement".

(6) On page 5, line 7, strike the period and substitute " ; and".

(7) On page 5, between lines 7 and 8, insert the following:

(4) based on evidence supplied by the Bureau of Economic Geology of The University of Texas at Austin, the public beach and the line of vegetation have a reasonable chance of recovering sufficiently to place the structure landward of the line of vegetation.

(8) On page 5, lines 14 and 15, strike "an improvement, obstruction, barrier, or other encroachment" and substitute "a dwelling or other improvement".

(9) On page 5, line 16, strike "improvement, obstruction, barrier, or other encroachment" and substitute "dwelling or other improvement".

(10) On page 6, lines 2 and 3, strike "an improvement, obstruction, barrier, or other encroachment" and substitute "a dwelling or other improvement".

(11) On page 6, between lines 9 and 10, insert the following:

(g) This section does not apply to a dwelling or other improvement that the commissioner determines to be more than 50 percent destroyed as a result of a meteorological event.

(12) On page 7, strike line 22 and substitute the following:

SECTION 10. (a) This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

(13) On page 7, line 24, strike "before, on," and substitute "on".

HB 1457 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BURNAM: Mr. Eiland, as we discussed yesterday and today, I really appreciate your working with a number of concerned individuals on this. And I do have a number of questions I'd like to ask you very quickly. Is it your intent to simply provide a mechanism to allow the landowners to repair houses on the public beach easement while awaiting the final determination by the state of whether or not they should be removed from the public beach easement?

REPRESENTATIVE EILAND: Yes.

BURNAM: Thank you. Is it your intent to weaken the ability of the State of Texas to demand removal of encroachments onto the public beach easement in the event of a storm?

EILAND: No. We just want to make sure that there can be a little bit of a time before we actually go take somebody's house or make them remove it, to make sure that the vegetation line doesn't move back.

BURNAM: Thank you. Is it your intent to allow encroachments onto the public beach easement, or onto state-owned land, to remain there indefinitely?

EILAND: No.

BURNAM: Thank you. As author of this legislation, do you intend for land commissioners to continually grant moratoriums to encroachments on the public beach easement after every "meteorological event"?

EILAND: No. What we want is that, if he makes certain determinations, then he has the discretion to do so.

BURNAM: Thank you, Mr. Eiland. Thank you very much. You know that the open beach law is very important to many Texans. It's one of the things that makes living in Texas special and unique and wonderful, and I appreciate your work on this.

REMARKS ORDERED PRINTED

Representative Burnam moved to print remarks between Representative Burnam and Representative Eiland.

The motion prevailed without objection.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

HB 1457, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

CSHB 3223 ON SECOND READING
(by Bohac, Hegar, Bonnen, Wong, Howard, et al.)

CSHB 3223, A bill to be entitled An Act relating to limiting the maximum average annual increase in the appraised value of real property for ad valorem tax purposes.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 3223**:

Amend **CSHB 3223** by making the following change: on page 2 line 18, strike "five" and replace with "three"

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Gallego offered the following amendment to **CSHB 3223**:

Amend **CSHB 3223** by making the following changes:

On page 2 line 2, strike "10" and replace with "5"

On page 5 line 17, strike "10" and replace with "5"

Representative Bohac moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 563): 82 Yeas, 54 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Geren; Giddings; Goolsby; Griggs; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Luna; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Noriega; Paxton; Pitts; Puente; Quintanilla; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Wolens; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farrar; Flores; Gallego; Garza; Goodman; Guillen; Gutierrez; Haggerty; Hegar; Hochberg; Hodge; Hopson; Jones, J.; Laubenberg; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Olivo; Peña; Phillips; Pickett; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker; Grusendorf(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira.

Absent — Crabb; Edwards; Gattis; Laney; Moreno, P.; Wohlgemuth.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 563. I intended to vote no.

Geren

I was shown voting yes on Record No. 563. I intended to vote no.

Hilderbran

I was shown voting yes on Record No. 563. I intended to vote no.

Noriega

Amendment No. 3

Representative Gallego offered the following amendment to **CSHB 3223**:

Amend **CSHB 3223** as follows:

- (1) On page 1, strike line 5.
- (2) Renumber SECTIONS 1.01 through 1.04 of the bill as SECTIONS 1 through 4.
- (3) Strike page 4, line 23, through page 5, line 24.
- (4) On page 5, strike lines 25 through 27 and substitute the following:
"SECTION 5. This Act takes effect January 1, 2004, and applies only to the".
- (5) On page 6, strike lines 9 through 12.

Representative Howard moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 564): 73 Yeas, 61 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Eissler; Flynn; Gattis; Geren; Griggs; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, J.; King; Krusee; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Noriega; Pickett; Pitts; Puente; Quintanilla; Reyna; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Goodman; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Laubenberg; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Olivo; Paxton; Peña; Phillips; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Solis; Telford; Thompson; Truitt; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker; Grusendorf(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira.

Absent — Dawson; Edwards; Elkins; Garza; Goolsby; Keffer, B.; Rose; Wolens.

STATEMENTS OF VOTE

When Record No. 564 was taken, I was in the house but away from my desk. I would have voted yes.

Dawson

I was shown voting yes on Record No. 564. I intended to vote no.

Geren

I was shown voting yes on Record No. 564. I intended to vote no.

Hegar

I was shown voting yes on Record No. 564. I intended to vote no.

Hilderbran

When Record No. 564 was taken, I was in the house but away from my desk. I would have voted no.

Rose

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

CSHB 3223 - (consideration continued)

Amendment No. 4

On behalf of Representative Gallego, Representative Solis offered the following amendment to **CSHB 3223**:

Amend **CSHB 3223** by making the following change: on page 2 line 18, strike "five" and replace with "three"

Representative Bohac moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 565): 75 Yeas, 65 Nays, 2 Present, not voting.

Yeas — Allen; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Denny; Driver; Eissler; Farabee; Flynn; Gattis; Goodman; Goolsby; Griggs; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Noriega; Paxton; Pitts; Puente; Quintanilla; Reyna; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Baxter; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farrar; Flores; Gallego; Garza; Geren; Giddings; Guillen; Gutierrez; Hegar; Hilderbran; Hochberg; Hodge; Hopson; Jones, J.; Laney; Laubenberg; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Olivo; Peña; Phillips; Pickett; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Grusendorf(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira.

Absent — Haggerty; Swinford.

STATEMENT OF VOTE

I was shown voting yes on Record No. 565. I intended to vote no.

Paxton

A record vote was requested.

CSHB 3223 was passed to engrossment by (Record 566): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alonzo; Bailey; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Grusendorf(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira.

Absent — Allen; Burnam; Canales; Cook, R.; Goodman; Hill; Moreno, P.; Wolens.

STATEMENTS OF VOTE

When Record No. 566 was taken, my vote failed to register. I would have voted yes.

Allen

I was shown voting yes on Record No. 566. I intended to vote present, not voting.

Hodge

HR 877 - ADOPTED
(by Gutierrez and Flores)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 877**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 877, Honoring Army Support Specialist Edgar Adan Hernandez of Mission on the occasion of his release from captivity in Iraq.

(Speaker in the chair)

HR 877 was adopted without objection.

On motion of Representative Flores, the names of all the members of the house were added to **HR 877** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Gutierrez and Flores who introduced Army Support Specialist Edgar Adan Hernandez and his parents.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 262 ON SECOND READING
(by Wolens)

CSHB 262, A bill to be entitled An Act relating to the funding of convention center hotel facilities in certain municipalities.

CSHB 262 was read second time on May 7 and was postponed until 1:00 p.m. today.

Representative Wolens moved to postpone consideration of **CSHB 262** until 5 p.m. today.

The motion prevailed without objection.

MAJOR STATE CALENDAR
(consideration continued)

CSHB 3588 ON SECOND READING
(by Krusee, Delisi, Capelo, and Turner)

CSHB 3588, A bill to be entitled An Act relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of transportation facilities and the progress, improvement, policing, and safety of transportation in the state.

(Morrison in the chair)

Amendment No. 1

Representative Krusee offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 3, line 3, strike "includes a note or other obligation" and substitute "has the meaning assigned by Title 9, Government Code".

(2) On page 3, between lines 5 and 6, insert the following and renumber subsequent subdivisions accordingly:

(3) "Credit agreement" has the meaning assigned by Title 9, Government Code.

(3) On page 11, strike lines 15-22 and substitute:

Sec. 227.041. POWERS AND PROCEDURES. (a) Except as otherwise provided by this subchapter, the commission has the same powers and duties relating to the condemnation and acquisition of real property for a facility of the Trans-Texas Corridor that the commission and the department have relating to the condemnation or purchase of real property under Subchapter D, Chapter 361 and Section 361.233 for a turnpike project. The commission may purchase property or an option to purchase property that the commission is considering for possible use as part of the

(4) On page 12, strike line 23 and substitute "single payment, a participation payment under Section 227.042, or both a single payment and a participation payment."

(5) Strike page 13, line 19, to page 16, line 16, and substitute:

Sec. 227.045. POSSESSION OF HOMESTEAD PROPERTY UNDER DECLARATION OF TAKING. If property condemned under this chapter is a homestead or a portion of a homestead as defined by Section 41.002, Property Code, the department may not take possession before the 91st day after the date of service of the declaration of taking.

Sec. 227.046. RIGHT OF ENTRY TO PROPERTY WITH PUBLIC UTILITY FACILITY. To ensure the safety and convenience of the public, the department shall, when entering any real property, water, or premises on which is located a public utility facility:

(1) comply with applicable industry standard safety codes and practices; and

(2) notwithstanding Subsection (a), give the owner or operator of the facility not less than 10 days' notice before entering the real property, water, or premises.

(6) On page 17, line 16, between "facility" and the period, insert "in accordance with industry standard safety codes and practices".

(7) On page 18, line 23, strike "maintenance" and substitute "operation".

(8) On page 21, strike lines 13-16 and substitute "the commission, including fees; and".

(9) On page 22, line 2, between "revenue" and "provided", insert "or money".

(10) On page 24, lines 5 and 6, strike "order authorizing the issuance of the bond" and substitute "applicable bond proceedings".

(11) On page 25, line 8, strike "an authority" and substitute "the commission".

(12) On page 25, line 14, strike "local".

(13) On page 25, at the end of line 23, add "Money borrowed under this section may be evidenced by the issuance of bonds."

(14) On page 32, line 10, between "project" and the semicolon, insert "including the redemption or purchase price of bonds subject to redemption or purchase as provided in the applicable bond proceedings".

(15) On page 37, line 15, strike "plan" and substitute "program".

(16) On page 38, line 27, between "rules" and the semicolon, insert:

", provided that an authority must consider the same factors that the Texas Turnpike Authority division of the department must consider in altering a prima facie speed limit under Section 545.354".

(17) Strike page 58, line 14, to page 64, line 7, substitute the following sections, and renumber existing sections accordingly:

Sec. 370.163. ACQUISITION OF PROPERTY. (a) Except as otherwise provided by this subchapter, the governing body of an authority has the same powers and duties relating to the condemnation and acquisition of real property for a transportation project that the commission and the department have under Subchapter D, Chapter 361, and Section 361.233 relating to the condemnation or purchase of real property for a turnpike project. Notwithstanding Section 361.135(a), the concurrence of the commission is not a prerequisite to the exercise of the power of condemnation by the governing body of the authority.

(b) An authority's acquisition of any property of the commission under this or another section of this chapter or an authority's relocation, rerouting, disruption, or alteration of a facility of the commission is considered a conversion of a state highway system under Section 370.035 and is subject to each requirement, condition, or limitation provided by that section.

(c) The authority granted under this section does not include the authority to condemn a bridge connecting this state to the United Mexican States that is owned by a county or municipality.

Sec. 370.164. DEPOSIT FOR DECLARATION OF TAKING. (a) A deposit to the registry of the court of an amount equal to the fair market value, as determined by the authority, of the property to be condemned and any damages to the remaining property must accompany the declaration of taking under this chapter.

(b) Instead of the deposit under Subsection (a), at its option the authority may, concurrently with the declaration of a taking, tender in favor of the owner of the property a bond or other security in an amount sufficient to secure the owner for the value of the property taken and damages to remaining property, subject to the approval of the court.

(c) An owner may draw upon the deposit held by the court under Subsection (a) on the same terms and conditions as are applicable to a property owner's withdrawal of a commissioners' award deposited under Section 21.021(a)(1), Property Code.

Sec. 370.165. DOCKET PREFERENCE FOR DECLARATION OF TAKING. A property owner who is a defendant in an eminent domain action filed by an authority under this chapter must give notice to the court in which the action is pending of the property owner's preference that the condemnation petition be placed on the court's docket in the same manner as other cases pending in the court. The notice must be given before the 21st day after the date of service of process of both a condemnation petition and a notice of declaration of taking. On receipt of timely notice from the property owner, the court in which the action is pending shall place the case on its docket in the same manner as other cases pending in the court.

(18) On page 98, line 20, between "to" and "construct", insert "finance, acquire,".

(19) On page 112, line 10, strike "may" and substitute "shall".

(20) On page 112, line 17, between the period and "After", insert:

The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipulated amount under this section.

(21) On page 115, line 17, strike "TRANSPORTATION" and substitute "TRANSPORTATION".

(22) On page 115, line 25, strike "make an acquisition of" and substitute "acquire or purchase an option to acquire".

(23) On page 116, strike lines 15-18 and substitute:
property acquired by advance acquisition may be managed by the General Land Office on behalf of the department as the department and the General Land Office may agree. Subchapter E, Chapter 31, Natural Resources Code, does not apply to property acquired under this subchapter.

(24) On page 127, line 26, between "Paragraph" and "(B)", insert "(A) or".

(25) On page 129, line 9, between "department" and the period, insert "under this chapter".

(26) On page 140, line 2, strike "under Section 7-a" and substitute "for another purpose by Section 7-a or 7-b".

(27) On page 151, line 25, strike "SHADOW" and substitute "PASS-THROUGH".

(28) On page 152, line 1, strike "SHADOW" and substitute "PASS-THROUGH".

(29) Throughout Article 9, strike "shadow" and substitute "pass-through".

(30) On page 153, between lines 11 and 12, insert:

(g) Money received by the department under this section shall be deposited to the credit of the state highway fund and is exempt from the application of Section 403.095, Government Code.

(31) On page 153, line 21, between "contract" and "described", insert "or agreement".

(32) On page 153, strike lines 24-26 and substitute:

(2) Subchapter N;

(3) Chapter 223; [or]

(4) Chapter 361; or

(5) Chapter 2254, Government Code.

(33) On page 155, strike line 8 and substitute:

shall be transferred or sold with the following priorities:

(1) to a governmental entity that has the authority to condemn the property; or

(2) to the general public.

Amendment No. 1 was adopted without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 3588 - (consideration continued)

Amendment No. 2

Representative Krusee offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 12, line 23, strike "under Section 227.042" and substitute "pursuant to Section 227.042, or both".

(2) On page 116, strike lines 14-18 and substitute the following:

"Sec. 202.113. MANAGEMENT. If requested by the department, property acquired by advance acquisition may be managed by the General Land Office on behalf of the department upon such terms and conditions as the department and the General Land Office may agree. Subchapter E, Chapter 31, Natural Resources Code, do not apply to property acquired under this subchapter."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Krusee offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 122, between lines 15 and 16, insert the following:

(c) Notwithstanding Subsection (b), in any state fiscal biennium the comptroller shall deposit 49.5 percent of the surcharges collected under Chapter 708, Transportation Code, to the credit of the general revenue fund only until the total amount of the surcharges deposited to the credit of the general revenue fund under Subsection (b), and the court costs deposited to the credit of that fund under Section 542.4031(b)(1), Transportation Code, equals \$250 million for that biennium. If in any state fiscal biennium the amount received by the comptroller under those laws exceeds \$250 million, the comptroller shall deposit 49.5 percent of the additional amount received under Subsection (a) to the account established under this chapter and 49.5 percent of the additional amount to the credit of the Texas mobility fund.

(2) On page 157, between lines 24 and 25, insert the following:

(c) Notwithstanding Subsection (b)(1), the comptroller shall deposit court costs received under that subsection to the credit of the general revenue fund only until the total amount of the court costs deposited to the credit of the general revenue fund under that subsection and the surcharges deposited to the credit of that fund under Section 780.002(b), Health and Safety Code, equals \$250 million for that biennium. If in any state fiscal biennium the amount received by the comptroller under those laws exceeds \$250 million, the comptroller shall deposit the additional amount received under Subsection (b)(1) to the credit of the Texas mobility fund.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Krusee offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** (Committee printing) as follows:

(1) On page 147, line 11, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(2) On page 147, between lines 23 and 24, insert the following:

(c) The first \$90,500,254 of fees to which Subsection (a) applies that are collected during the state fiscal biennium ending August 31, 2005, shall be deposited to the credit of the general revenue fund. This subsection expires September 1, 2005.

Amendment No. 4 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Smithee on motion of Lewis.

CSHB 3588 - (consideration continued)

Amendment No. 5

Representative Krusee offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** (Committee printing) as follows:

(1) On page 149, line 5, strike "\$5 billion" and substitute "\$2 billion".

(2) On page 149, strike lines 8-21 and substitute the following:

(c) Proceeds from the sale of bonds and other public securities issued under this section shall be used to fund state highway improvement projects. Proceeds may be used only to fund projects that, as determined by the commission:

(1) allow the department to draw down additional federal-aid highway funds;

(2) are eligible for expedited contracting under Subchapter C, Chapter 223;

(3) facilitate, for the purpose of reducing unemployment or underemployment, the retention of businesses in this state or the ability to provide an incentive for new businesses to locate in this state; or

(4) reduce accidents or correct or improve hazardous locations on the state highway system.

(d) Of the aggregate principal amount of bonds and other public securities that may be issued under this section, the commission shall issue bonds or other public securities in an aggregate principal amount of \$500 million to fund projects eligible under Subsection (c)(4). The commission by rule shall prescribe criteria for selecting projects eligible for funding under this section. In establishing criteria for projects eligible under Subsection (c)(4), the commission shall consider accident data, traffic volume, pavement geometry, and other conditions that can create or exacerbate hazardous roadway conditions.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Delisi offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 157, strike lines 9-12 and substitute the following:

"SECTION 12.01. (a) Subchapter D, Chapter 542, Transportation Code, is".

(2) On page 157, strike line 24 and substitute "designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code."

(3) On page 157, line 25, strike "(c)" and substitute "(b)".

(4) On page 158, strike line 8 and substitute "designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code."

(5) On page 158, line 9, strike "(d)" and substitute "(c)".

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Harper-Brown offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 4, line 19, strike "OF OTHER LAW".

(2) At the end of page 4, add:

(c) This chapter does not apply to real or personal property, operations, construction, or to a project plan of a transportation authority created under Subchapter O, Chapter 452, unless the commission or its designee has signed a written agreement with the transportation authority specifying the terms and conditions under which the transportation authority may participate in the Trans-Texas Corridor.

(3) Strike page 82, line 23 through page 83, line 1, and substitute:

Sec. 370.187. CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) An authority may not construct, maintain, or operate a transportation project that another governmental entity has determined to be a project under Chapter 284, Chapter 366, or Chapter 452 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the project shall be undertaken.

(b) An authority may not receive or be paid revenue derived by another governmental entity operating under Chapter 284, Chapter 366, or Chapter 452 unless the governmental entity and the authority enter into a written agreement specifying the terms and conditions under which the revenue shall be received by or paid to the authority.

(4) On page 134, between lines 26 and 27, insert:

Sec. 91.037. CONTRACTS WITH GOVERNMENTAL ENTITIES. This chapter does not apply to real or personal property, operations, construction, or to a project plan of a transportation authority created under Subchapter O, Chapter 452 unless the commission or its designee has signed a written agreement with the transportation authority specifying the terms and conditions under which the transportation authority may participate.

(5) On page 134, line 27, strike "91.037" and substitute "91.038".

Amendment No. 8

Representative Turner offered the following amendment to Amendment No. 7:

Amend the Harper-Brown amendment to **CSHB 3588** between "Chapter 452, Subchapter O, Transportation Code," and "unless", by inserting "or an authority created under Chapter 451, Transportation Code, the principal municipality of which has a population of 1.5 million or more,"

Amendment No. 8 was adopted without objection.

Amendment No. 7, as amended, was adopted without objection.

Amendment No. 9

Representative Callegari offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** in Article I, Section 1.03, in the proposed Sec. 227.023(a), Transportation Code, by deleting "in the construction and operation of facilities" and inserting in lieu thereof "in the planning, design, construction, and operation of facilities."

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Capelo offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows, and renumber the sections accordingly:

On page 27, line 7, add a new Section 227.072, ACCESSIBILITY IMPROVEMENTS. Section 402.001, Local Government Code, is amended by adding subsections (e) and (f) to read as follows:

(e) A municipality each year, after holding a public hearing to obtain resident's comments, may by ordinance add a fee covering a period not to exceed one year, to the utility bill issued by a municipally owned utility system containing one or more utilities. The fee:

(1) may not exceed \$1 each month;

(2) shall be paid at an interval determined by the governing body of the municipality; and

(3) shall be described on the bill as "city-adopted ADA fee."

(f) The municipality shall deposit in a special account the fees collected under subsection (e). Funds in the account may be used only by the municipality to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) as amended, in providing:

(1) construction and maintenance of accessible street and sidewalk improvements, including curb cuts and auditory alarms at crosswalks; or

(2) for accessibility improvements to those segments associated with and in furtherance of the Trans-Texas Corridor projects.

Amendment No. 10 failed of adoption.

Amendment No. 11

Representatives Rodriguez and Naishtat offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 37, line 9, strike "that a" and substitute "that:".

(2) On page 37, strike lines 10-15 and substitute:

(A) a transportation project that is subject to 23 C.F.R. Part 450, Subpart C, is:

(i) included in the plan approved by the applicable metropolitan planning organization; and

(ii) consistent with the statewide transportation improvement plan; and

(B) a transportation project is included:

(i) in the transportation plan or thoroughfare plan adopted by each governmental entity in which the project is to be constructed; and

(ii) in the plan adopted by each governmental entity that has jurisdiction over the project's mode of transportation;

Amendment No. 11 was withdrawn.

Amendment No. 12

Representative Seaman offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 46, between lines 19 and 20, insert:

(i) The commission may not transfer a ferry under this section if the ferry is located in a municipality with a population of 5,000 or less unless the city council of the municipality approves the transfer.

(2) On page 84, between lines 9 and 10, insert:

Sec. 370.190. DEPARTMENT MAINTENANCE AND OPERATION. (a) If requested by an authority, the department may agree to assume all or part of the duty to maintain or operate a turnpike project or ferry of the authority.

(b) The authority shall reimburse the department for necessary costs of maintaining or operating the turnpike project or ferry as agreed by the department and the authority.

(c) Money received by the department under Subsection (b) shall be deposited to the credit of the state highway fund and is exempt from the application of Sections 403.095 and 404.071, Government Code.

(d) If the department assumes all of the duty to maintain or operate a turnpike project or ferry under Subsection (a), the authority is not liable for damages resulting from the maintenance or operation of the turnpike project or ferry.

(e) An agreement under this section is not a joint enterprise for purposes of liability.

(2) On page 84, line 10, strike "370.190" and substitute "370.191".

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative Hamric offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) In Article 2, on page 57, between lines 9 and 10, insert the following:

Sec. 370.119. TRANSFER OF LOCAL SALES TAX AUTHORITY. (a) The board of an authority may impose a local sales and use tax if the authority to impose the tax is transferred to the authority by a local governmental entity, including a municipality, county, transit authority, or special district, that is authorized to impose a local sales and use tax.

(b) A local governmental entity that is authorized by law to impose a local sales and use tax may transfer all or part of that taxing authority to an authority if:

(1) the transfer of the taxing authority is approved by the governing body of the local governmental entity; and

(2) a majority of the qualified voters of the local governmental entity approve the transfer of the taxing authority in an election held for that purpose.

(c) If a local governmental entity transfers all or part of its authority to impose a sales and use tax to an authority, the local governmental entity's authority to impose a sales and use tax is reduced by the amount transferred.

(d) A sales and use tax imposed by an authority under this section is assessed, administered, and distributed under Chapter 322, Tax Code.

(e) A sales and use tax imposed by an authority under this section may be imposed only in the geographic limits of the local governmental entity that transferred its taxing authority to the authority.

(f) Revenues from a sales and use tax imposed by an authority under this section may be used only for transportation projects located in the geographic limits of the local governmental entity that transferred its taxing capacity to the authority.

(g) By majority vote of the board, an authority may return to a local governmental entity all or part of the taxing authority originally transferred by that local governmental entity to the authority.

(h) This section may not be construed to authorize an authority to impose a sales and use tax at a rate that when combined with the rates of sales and use taxes imposed by the authority and all other governmental entities in its geographic limits would exceed two percent at any location in the geographic limits of the authority.

(i) For purposes of this section, a county is considered to transfer all or part of its taxing authority to impose a local sales and use tax to an authority in locations within the county in which the tax is below two percent. This subsection does not preclude another local governmental entity from subsequently holding an election to authorize a local sales and use tax within the geographic limits of the entity, and the authority's tax rate will be reduced commensurate with the local governmental entity's increase in order for the total to not exceed two percent.

(2) On page 57, line 10, strike "370.119-370.160" and substitute "370.120-370.160".

Amendment No. 13 was withdrawn.

Amendment No. 14

Representative Hardcastle offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 59, add new Section 370.164, Transportation Code and renumber subsequent sections accordingly:

"PARTICIPATION PAYMENT FOR REAL PROPERTY. (a) As an alternative to paying for an interest in real property or a real property right with a single fixed payment, the authority may, with the owner's consent, pay the owner by means of a participation payment.

(b) A right to receive a participation payment under this section is subordinate to any right to receive a fee as payment on the principal of or interest on a bond that is issued for the construction of the applicable segment.

(c) In this section, "participation payment" means an intangible legal right to receive a percentage of one or more identified fees related to a segment constructed by the authority."

Amendment No. 14 was adopted without objection.

Amendment No. 15

Representative Naishtat offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

1. On page 84, between lines 9 and 10, insert a new Section 370.190 to read as follows:

"Sec. 370.190 PROPERTY OF RAPID TRANSIT AUTHORITIES. An authority may not condemn or purchase real property of a rapid transit authority operating pursuant to Chapter 451, Transportation Code that was confirmed before July 1, 1985, and in which the principal municipality has a population of less than 750,000, unless the authority has entered into a written agreement with the rapid transit authority specifying the terms and conditions under which the condemnation or the purchase of the real property will take place."

2. On page 84, line 10, strike "370.190" and substitute "370.191".

Amendment No. 15 was adopted without objection.

Amendment No. 16

Representative Haggerty offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** on page 109, line 22, between "fund" and "during" by inserting "and the Texas mobility fund".

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Haggerty offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** (House committee printing) on page 109, between lines 25 and 26, by inserting:

Sec. 201.9531. EXCLUSION OF EXPENDITURES. Money spent by the department under this chapter is not included in computing the amount required to be spent for engineering and design contracts under Section 223.041 in any fiscal year.

Amendment No. 17 was adopted without objection.

Amendment No. 18

Representative W. Smith offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** in Article III, Sec. 301, by deleting the proposed Sec. 201.954(j) to read as follows:

() The department shall pay an unsuccessful private entity that submits a response to a request for detailed proposals under Subsection (f) a stipulated amount of the final contract price for any costs incurred in preparing that proposal. The stipulated amount must be stated in the request for proposals and may not exceed the value of any work product contained in the proposal that can, as determined by the department, be used by the department in the performance of its functions. After payment of the stipulated amount, the department may make use of any design contained in the proposal, including the technologies, techniques, methods, processes, and information contained in the design. The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipulated amount under this section.

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Chisum offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** in Article 5 of the bill as follows:

(1) Strike page 117, line 23 through page 118, line 1, and substitute the following:

(1) two points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and

(2) three points for a moving violation of the traffic

(2) On page 118, between lines 6 and 7, insert the following:

(d) Notwithstanding Subsection (b), the department may not assign points to a person's driver's license if the offense of which the person was convicted is the offense of speeding and the person was at the time of the offense driving less than 10 percent faster than the posted speed limit. This subsection does not apply to an offense committed in a school crossing zone as defined by Section 541.302.

Amendment No. 19 was adopted without objection.

Amendment No. 20

Representative Chisum offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, by striking the language on page 119, lines 5 through 7, proposed Section 708.102(c), Transportation Code, and substituting the following:

"(c) The amount of a surcharge under this section is \$1,000 per year, except that the amount of the surcharge is:

(1) \$1,500 per year for a third or subsequent conviction within a 36-month period; and

(2) \$2,000 for a first or any subsequent conviction if it is shown on the trial of the offense that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.16 or more at the time the analysis was performed."

Amendment No. 21

Representative Gattis offered the following amendment to Amendment No. 20:

Amend the Chisum amendment to **CSHB 3588** in Article 5 of the bill, on page 1, line 6, by striking "third" and substituting "second".

Amendment No. 21 was adopted without objection.

Amendment No. 20, as amended, was adopted without objection.

Amendment No. 22

Representative Burnam offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 122, line 8, strike "49.5" and substitute "99".

(2) On page 122, strike lines 10 and 11 and substitute:
established under this chapter. The remaining one percent of the amount of

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Burnam offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

- (1) On page 122, line 8, strike "49.5" and substitute "66".
- (2) On page 122, line 10, strike "49.5" and substitute "33".

Representative Delisi moved to table Amendment No. 23.

The motion to table prevailed.

Amendment No. 24

Representative Truitt offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

Amend ARTICLE 5 as follows:

Page 123, line 12 after "department." strike

~~The administrator of a designated facility may request a regional advisory council chairperson to petition the department for disbursement of funds to a designated trauma facility in the chairperson's trauma service area that has provided uncompensated trauma care.~~

Amendment No. 24 was adopted without objection.

Amendment No. 25

Representative Noriega offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

- (1) On page 123, line 16, strike "may" and substitute "shall".
- (2) On page 123, lines 17-18, strike "uncompensated trauma care provided in the state" and substitute "the amount of surcharges collected in the area in which a trauma facility is located".

Representative Delisi moved to table Amendment No. 25.

The motion to table prevailed.

Amendment No. 26

Representative Noriega offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** on page 122, line 11, between "fund" and the period, by inserting "to be appropriated only for the state child health plan under Chapter 62, Health and Safety Code".

Amendment No. 26 was withdrawn.

Amendment No. 27

Representative Hamric offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

On page 125, between lines 18 and 19, insert the following:

(g) In a trauma service area that includes a county with a population of 3.3 million or more, a trauma service area regional advisory council may enter into an agreement with a regional council of governments to execute its responsibilities and functions under this chapter.

Amendment No. 27 was adopted without objection.

Amendment No. 28

Representative Puente offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, in Article 6 of the bill, as follows:

(1) On page 134, line 2, between "PRIVATE ENTITY," and "The department", insert "(a)".

(2) On page 134, between lines 14 and 15, insert the following:

(b) The department shall provide reasonable notice to the owner of the applicable facility of the need for the alteration under Subsection (a)(2) and allow that owner the opportunity to complete or to direct the completion of the alteration. The owner of the facility may require payment before the alteration is completed.

(3) On page 141, at the end of line 25, add "A fee may not be required in connection with the placement, maintenance, or other use of a utility facility."

(4) On page 146, strike lines 2-8 and substitute the following:
utility's facilities, lines, or equipment, if the department considers the relocation to be necessary. The department shall pay for any relocation, raising, rerouting, changing, or altering of a facility, line, or equipment under this section unless otherwise agreed to in writing by the interested persons. If a utility facility is replaced, the cost of replacement is limited to an amount equal to the cost of replacing the facility with a comparable facility, less the net salvage value of the replaced facility.

Amendment No. 28 was adopted without objection.

Amendment No. 29

Representative Deshotel offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, in Article 12 of the bill, by adding an appropriately numbered SECTION to read as follows and renumbering existing SECTIONS of that article accordingly:

SECTION 12.____. Section 224.153, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A motor vehicle displaying a state official license plate issued under Section 502.295 or another law of this state is entitled to travel in a preferential car pool or high occupancy vehicle lane designated under this section or another law of this state regardless of the number of occupants in the vehicle if the motor vehicle is engaged in official state business.

Amendment No. 29 failed of adoption.

INTRODUCTION OF GUESTS

The chair recognized Representatives Luna and Hamric who introduced Representative-elect of District 43, Juan Escobar and his wife, Rosie.

Amendment No. 30

Representative Hamric offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES appropriately:

ARTICLE ____ . CONVERSION OF NONTOLL STATE HIGHWAY
SECTION ____ .01. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.009 to read as follows:

Sec. 284.009. CONVEYANCE OF STATE HIGHWAY TO COUNTY. (a) The commission may convey a nontoll state highway or a segment of a nontoll state highway, including real property acquired to construct or operate the highway, to a county for operation and maintenance as a project under this chapter if:

(1) the commission determines that the proposed conveyance will improve overall mobility in the region or is the most feasible and economic means of accomplishing necessary improvements to the highway;

(2) any funds paid by the department for the construction, maintenance, and operation of the conveyed highway are repaid to the department; and

(3) the county agrees to assume all liability and responsibility for the maintenance and operation of the conveyed highway on its conveyance.

(b) A county that receives a nontoll state highway or a segment of a nontoll state highway under Subsection (a) may own, operate, and maintain the highway as a pooled project under Section 284.065.

(c) The commission shall, at the time of a conveyance, remove the highway or segment of highway from the state highway system. After a conveyance, the department has no liability, responsibility, or duty for the maintenance or operation of the highway or segment.

(d) The commission may waive all or a portion of an amount due under Subsection (a)(2) if it finds that the conveyance will result in substantial net benefits to the state, the department, and the traveling public that equal or exceed the amount of payment waived.

(e) Before conveying a nontoll state highway or a segment of a nontoll state highway under this section, the commission shall conduct a public hearing to receive comments from interested persons concerning the proposed conveyance. Notice of the hearing shall be published in the Texas Register and in one or more newspapers of general circulation in any county in which the highway or segment is located.

(f) A county may use toll revenue collected under this section to fund a transportation project or an air quality project.

(g) The commission shall adopt rules implementing this section, including criteria and guidelines for approval of a conveyance of a highway or segment.

(h) Funds received by the department under this section:

(1) shall be deposited to the credit of the state highway fund; and

(2) are exempt from the application of Section 403.095, Government Code.

(i) In this section:

(1) "Air quality project" means a project or program of a county or another governmental entity that the county determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads within the county.

(2) "Transportation project" means the construction, improvement, maintenance, or operation of a transportation facility:

(A) under the jurisdiction of a county or another governmental entity;

(B) located inside or outside the county; and

(C) that the county determines will improve mobility within the county.

SECTION _____.02. Section 362.0041, Transportation Code, is amended by amending Subsections (a), (c), and (d) and adding Subsections (e)-(h) to read as follows:

(a) Except as provided in Subsections [Subsection] (d) and (g), [H] the commission may by order convert [finds that the conversion of] a segment of the free state highway system to a toll facility if it determines that the conversion will improve overall mobility in the region or is the most feasible and economic means to accomplish necessary [expansion] improvements[, or extensions] to that segment or to another segment of the state highway system[, that segment may be converted by order of the commission to a turnpike project under Chapter 361].

(c) The commission shall adopt rules implementing this section, including [such rules to include] criteria and guidelines for the approval of a conversion of a highway.

(d) The commission may not convert the Queen Isabella Causeway in Cameron County to a toll facility [turnpike project].

(e) Subchapter G, Chapter 361, applies to a highway converted to a toll facility under this section.

(f) Toll revenue collected under this section:

(1) shall be deposited in the state highway fund;

(2) may be used by the department for any function performed by the department or to fund an air quality project; and

(3) is exempt from the application of Section 403.095, Government Code.

(g) The commission may not convert a segment of the state highway system under this section unless it obtains the approval of the metropolitan planning organization within whose boundaries the segment is located.

(h) In this section, "air quality project" means a project or program of the department or another governmental entity that the commission determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads.

SECTION _____.03. Section 366.035, Transportation Code, is amended to read as follows:

Sec. 366.035. CONVEYANCE ~~[CONVERSION]~~ OF STATE HIGHWAY ~~[SYSTEM PROJECTS]~~. (a) The commission may convey a nontoll state highway or a segment of a nontoll state highway, including real property acquired to construct or operate the highway, to an authority for operation and maintenance as a turnpike project under this chapter if:

(1) the commission determines that the proposed conveyance will improve overall mobility in the region or is the most feasible and economic means to accomplish necessary improvements to the highway;

(2) any funds paid by the department for the construction, maintenance, and operation of the conveyed highway are repaid to the department; and

(3) the authority agrees to assume all liability and responsibility for the maintenance and operation of the conveyed highway on its conveyance.

~~(b) [Except as provided under Subsection (g), if the commission determines that the most feasible and economic means to accomplish necessary expansion, improvements, or extensions to the state highway system is the conversion to a turnpike project of a segment of the free state highway system, any segment located in a county of an authority or a county in which an authority operates a turnpike project or in any county adjacent to those counties may, on approval of the governor and the affected authority, be transferred by order of the commission to that authority.] An authority that receives the segment or [of] highway may own, operate, and maintain the segment or highway as a turnpike project or system or a part of a turnpike project or system under this chapter.~~

(c) The commission may waive all or a portion of an amount due under Subsection (a)(2) if it finds that the conveyance will result in substantial net benefits to the state, the department, and the traveling public that equal or exceed the amount of payment waived.

~~(d) [(b) An authority shall reimburse the commission for the cost of a transferred highway, unless the commission determines that the transfer will result in substantial net benefits to the state, the department, and the traveling public that exceed that cost. The cost includes the total amount expended by the department for the original construction of the highway, including all costs associated with the preliminary engineering and design engineering for plans, specifications, and estimates, the acquisition of necessary rights of way, and actual construction of the highway and all necessary appurtenant facilities. Costs anticipated to be expended to expand, improve, or extend the highway shall be deducted from the costs to be reimbursed to the commission.~~

~~[(e)]~~ The commission shall, at the time of a conveyance ~~[transfer]~~, remove the segment or ~~[of]~~ highway from the state highway system. After a conveyance, ~~[transfer]~~ the commission has no liability, responsibility, or duty for the maintenance or operation of the segment or highway.

~~(e) [(d)]~~ Before conveying ~~[transferring]~~ a segment or ~~[of the state]~~ highway ~~[system]~~ under this section, the commission shall conduct a public hearing to receive comments from interested persons concerning the proposed conveyance ~~[transfer]~~. Notice of the hearing must be published in the Texas Register, one or

more newspapers of general circulation in the counties in which the segment or highway is located, and a newspaper, if any, published in the counties of the applicable authority.

(f) An authority may use toll revenue collected under this section to fund a transportation project or an air quality project.

(g) ~~(e)~~ The commission shall adopt rules implementing this section. The rules shall include criteria and guidelines for the approval of a conveyance ~~[transfer]~~ of a highway.

(h) ~~(f)~~ An authority shall adopt rules providing criteria and guidelines for approving the acceptance of a highway under this section.

(i) ~~(g)~~ The commission may not transfer the Queen Isabella Causeway in Cameron County to an authority under this section.

(j) Funds received by the department under this section:

(1) shall be deposited to the credit of the state highway fund; and

(2) are exempt from the application of Section 403.095, Government Code.

(k) In this section:

(1) "Air quality project" means a project or program of an authority or another governmental entity that the authority determines will mitigate or prevent air pollution caused by the construction, maintenance, or use of public roads within the counties of the authority.

(2) "Transportation project" means the construction, improvement, maintenance, or operation of a transportation facility:

(A) under the jurisdiction of an authority or another governmental entity;

(B) located inside or outside the counties of the authority; and

(C) that the authority determines will improve mobility within the counties of the authority.

Amendment No. 30 was adopted without objection.

Amendment No. 31

Representative Howard offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following Section, appropriately numbered, to Article 12 of the bill and renumbering subsequent sections of the article accordingly:

SECTION 12.____. Section 391.252(a), Transportation Code, is amended to read as follows:

(a) ~~A [Subsequent to the effective date of this subchapter, a]~~ person may not erect an off-premise sign that is adjacent to and visible from:

(1) U.S. Highway 290 between the western city limits of the city of Austin and the eastern city limits of the city of Fredericksburg;

(2) State Highway 317 between the northern city limits of the city of Belton and ~~to~~ the southern city limits of the city of Valley Mills;

(3) State Highway 16 between the northern city limits of the city of Kerrville and Interstate Highway 20;

- (4) U.S. Highway 77 between State Highway 186 and State Highway 44;
- (5) U.S. Highway 281 between State Highway 186 and Interstate Highway 37;
- (6) State Highway 17 between State Highway 118 and U.S. Highway 90;
- (7) State Highway 67 between U.S. Highway 90 and Farm-to-Market Road 170;
- (8) Farm-to-Market Road 170 between State Highway 67 and State Highway 118;
- (9) State Highway 118 between Farm-to-Market Road 170 and State Highway 17;
- (10) State Highway 105 between the western city limits of the city of Sour Lake and ~~to~~ the eastern city limits of the city of Cleveland;
- (11) State Highway 73 between the eastern city limits of the city of Winnie and ~~to~~ the western city limits of the city of Port Arthur;
- (12) State Highway 21 between the southern city limits of the city of College Station and U.S. Highway 290; ~~or~~
- (13) a highway located in:
 - (A) the Sabine National Forest;
 - (B) the Davy Crockett National Forest; or
 - (C) the Sam Houston National Forest; or
- (14) a public or private toll road.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative Chisum offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES appropriately:

ARTICLE __. TRANSFER OF POWER AND AUTHORITY OVER RAILROADS

SECTION __.01. Article 6445, Revised Statutes, is amended to read as follows:

Art. 6445. POWER AND AUTHORITY. (a) Power and authority are hereby conferred upon the Texas Department of Transportation [~~Railroad Commission of Texas~~] over all railroads, and suburban, belt and terminal railroads, and over all public wharves, docks, piers, elevators, warehouses, sheds, tracks and other property used in connection therewith in this State, and over all persons, associations and corporations, private or municipal, owning or operating such railroad, wharf, dock, pier, elevator, warehouse, shed, track or other property to fix, and it is hereby made the duty of the said department [~~Commission~~] to adopt all necessary rates, charges and regulations, to govern and regulate such railroads, persons, associations and corporations, and to correct abuses and prevent unjust discrimination in the rates, charges and tolls of such railroads, persons, associations and corporations, and to fix division of rates, charges and regulations between railroads and other utilities and common carriers where a

division is proper and correct, and to prevent any and all other abuses in the conduct of their business and to do and perform such other duties and details in connection therewith as may be provided by law.

(b) All powers and duties of the Railroad Commission of Texas that relate to railroads are transferred to the Texas Department of Transportation.

(c) All personnel, property, assets, contracts, and obligations of the Railroad Commission of Texas, including funds appropriated by the legislature, that relate to railroads are transferred to the Texas Department of Transportation. The validity of a prior action of the commission that relates to railroads is not affected by the transfer.

(d) All rules and forms of the Railroad Commission of Texas that relate to railroads remain in effect as rules or forms of the Texas Department of Transportation until amended or repealed by the department.

(e) A reference in law to the Railroad Commission of Texas that relates to railroads means the Texas Department of Transportation.

(f) A complaint, investigation, or contested case pending before the Railroad Commission of Texas that is related to railroads is transferred without change in status to the Texas Department of Transportation.

SECTION __.02. (a) On September 1, 2003, the Texas Department of Transportation replaces the Railroad Commission of Texas as the governmental entity with power and authority over railroads.

(b) Before September 1, 2003, the Texas Department of Transportation shall determine:

(1) which actions of the Railroad Commission of Texas relate to the commission's power and authority over railroads;

(2) which property of the Railroad Commission of Texas relates to the commission's power and authority over railroads;

(3) which employees of the Railroad Commission of Texas primarily perform duties that relate to railroads and whether an employee who performs duties that relate to railroads:

(A) shall become an employee of the Texas Department of Transportation;

(B) must reapply with the Texas Department of Transportation for a comparable employment position; or

(C) shall be terminated; and

(4) which funds and obligations of the Railroad Commission of Texas relate to the commission's power and authority over railroads.

Amendment No. 32 was adopted without objection.

Amendment No. 33

Representative Chavez offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE and SECTION to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ BRIDGE OVER THE RIO GRANDE

SECTION __.01. Section 201.612, Transportation Code, is amended by amending Subsections (a) and (b) and adding Subsection (g) to read as follows:

(a) A political subdivision or private entity authorized to construct or finance the construction of a bridge over the Rio Grande:

(1) must obtain approval from the commission and from the United States under Subchapter IV, Chapter 11, Title 33, United States Code, for the construction of the bridge ~~[before requesting approval from the United States under Subchapter IV, Chapter 11, Title 33, United States Code];~~ and

(2) shall submit to the commission a report that details the feasibility, location, economic effect, and environmental impact of the bridge and any other information the commission by rule may require.

(b) ~~The [To the maximum extent practicable, the]~~ department shall:

(1) to the maximum extent practicable, implement the approval process in the manner least burdensome to an applicant; and

(2) allow an applicant to concurrently seek approval from the commission and the United States under Subsection (a)(1).

(g) If the commission does not approve construction of the bridge, the applicant shall withdraw the request for approval from the United States.

Amendment No. 33 was withdrawn.

Amendment No. 34

Representative Chavez offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE and SECTION to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ TEXAS-MEXICO BORDER TRADE CORRIDOR PLAN

SECTION __.01. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.6011 to read as follows:

Sec. 201.6011. TEXAS-MEXICO BORDER TRADE CORRIDOR PLAN.
The department shall implement an integrated trade transportation corridor plan for cross-border traffic. The plan must:

(1) include strategies and projects to aid the exchange of international trade using the system of multiple transportation modes in this state; and

(2) assign priorities based on the amount of international trade, measured by weight and value, using the transportation systems of this state, including:

(A) border ports of entry;

(B) commercial ports;

(C) inland ports;

(D) highways;

(E) pipelines;

(F) railroads; and

(G) deepwater gulf ports.

Amendment No. 35

Representatives Pickett and Chavez offered the following amendment to Amendment No. 34:

Amend the Chavez amendment to **CSHB 3588** on line 8 by striking "implement" and substituting "coordinate".

Amendment No. 35 was adopted without objection.

Amendment No. 34, as amended, was adopted without objection.

Amendment No. 36

Representative Wohlgemuth offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered article and sections and renumbering subsequent articles accordingly:

ARTICLE _____. STATEWIDE COORDINATION OF PUBLIC
TRANSPORTATION

SECTION _____. 01. Subtitle K, Title 6, Transportation Code, is amended by adding Chapter 461 to read as follows:

CHAPTER 461. STATEWIDE COORDINATION OF PUBLIC
TRANSPORTATION

Sec. 461.001. LEGISLATIVE INTENT AND CONSTRUCTION. (a) Public transportation services are provided in this state by many different entities, both public and private. The multiplicity of public transportation providers and services, coupled with a lack of coordination between state oversight agencies, has generated inefficiencies, overlaps in service, and confusion for consumers. It is the intent of this chapter:

- (1) to eliminate waste in the provision of public transportation services;
- (2) to generate efficiencies that will permit increased levels of service;

and

- (3) to further the state's efforts to reduce air pollution.

(b) This chapter shall be liberally construed to achieve its purposes.

Sec. 461.002. DEFINITIONS. In this chapter:

(1) "Public transportation provider" means any entity that provides public transportation services if it is a governmental entity or if it receives financial assistance from a governmental entity, whether state, local, or federal. The term does not include private carriers that do not receive financial assistance from a governmental entity. It also does not include a person who provides intercity rail or bus service, commercial air transportation, water transportation, or nonstop service to or from a point located outside this state. If a person provides both public transportation services and services that are not public transportation services, that person is included within the term only with regard to the provision of public transportation services and to the extent of those public transportation services.

(2) "Public transportation services" means any conveyance of passengers and their hand-carried baggage by a governmental entity or by a private entity if the private entity receives financial assistance for that conveyance

from any governmental entity. It does not include intercity rail or bus service, commercial air transportation, water transportation, or nonstop service to or from a point located outside this state.

Sec. 461.003. RULES OF TEXAS TRANSPORTATION COMMISSION.

(a) The commission by rule may:

(1) require a state agency that is responsible for ensuring the provision of public transportation services to contract with the department for the department to assume the responsibilities of that agency relating to the provision of public transportation services; and

(2) require a public transportation provider to provide detailed information on its provision of public transportation services, including revenues, routes, maps, categories of passengers served, number of passengers served, and equipment use and condition.

(b) Except with regard to health and human services programs funded by this state, the commission may not direct the planning or operations of an authority created or operating under Chapter 451, 452, or 453.

(c) The commission shall adopt other rules, including rules defining terms, necessary to implement this chapter.

Sec. 461.004. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION. (a) The department shall identify:

(1) overlaps and gaps in the provision of public transportation services, including services that could be more effectively provided by existing, privately funded transportation resources;

(2) underused equipment owned by public transportation providers; and

(3) inefficiencies in the provision of public transportation services by any public transportation provider.

(b) The department may contract with any public or private transportation provider for the department to arrange for the provision of public transportation services.

Sec. 461.005. ELIMINATION OF OVERLAPPING SERVICE. (a) To eliminate waste and maximize efficiency, the department shall encourage public transportation providers to agree on the allocation of specific services and service areas among the providers. The department may incorporate these discussions in planning processes such as the development of the statewide transportation improvement program or a local transportation improvement plan.

(b) If public transportation providers do not reach an agreement on a service plan under Subsection (a), the department may develop an interim service plan for that area.

(c) The department may require that all or a percentage of the vehicles used to provide public transportation services comply with specified emissions standards. The standards may vary among geographic areas based on the need of each area to reduce levels of air pollution. This subsection does not apply to an authority created under Chapter 451, 452, or 453, Transportation Code.

Sec. 461.006. DUTIES OF PUBLIC TRANSPORTATION PROVIDERS. Each public transportation provider shall cooperate with the department in eliminating waste and ensuring efficiency and maximum coverage in the provision of public transportation services.

Sec. 461.007. INCENTIVES FOR EFFICIENCY. (a) Notwithstanding any other law, including a law establishing a formula for the allocation of public transportation grants, the commission may increase or reduce the amount of a grant made to a public transportation provider based on whether the public transportation provider is complying fully with this chapter.

(b) Notwithstanding any other law, the commission may consider whether a public transportation provider in a geographic area of this state is complying fully with this chapter in executing the commission's other responsibilities relating to that area.

SECTION _____.02. Section 455.0015, Transportation Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) It is the intent of the legislature that, whenever possible, and to the maximum extent feasible, the existing network of transportation providers, and in particular the fixed route components of the existing networks, be used to meet the client transportation requirements of the state's social service agencies and their agents. The legislature recognizes the contributions of nonprofit entities dedicated to providing social services and related activities and encourages the continued community involvement of those entities in this area. The legislature likewise recognizes the potential cost savings and other benefits for utilizing existing private sector transportation resources. The department will contract with and promote the use of private sector transportation resources to the maximum extent feasible consistent with goals of this subsection.

(c) Each health and human services agency of this state shall contract with the department for the department to assume all responsibilities of the health and human services agency relating to the provision of transportation services for clients of eligible programs.

(d) The department may contract with any public or private transportation provider or with any regional transportation broker for the provision of public transportation services.

SECTION _____.03. Section 455.004, Transportation Code, is amended to read as follows:

Sec. 455.004. PUBLIC TRANSPORTATION ADVISORY COMMITTEE.

(a) A public transportation advisory committee consisting of nine members shall:

(1) advise the committee on the needs and problems of the state's public transportation providers, including the methods for allocating state public transportation money;

(2) comment on rules involving public transportation during development of the rules and before the commission finally adopts the rules unless an emergency requires immediate commission action; ~~and~~

(3) advise the commission on the implementation of Chapter 461; and

(4) perform any other duty determined by the commission.

(b) The commission shall appoint members of the advisory committee. The membership of the committee shall ~~[governor, the lieutenant governor, and the speaker of the house of representatives each shall appoint three members of the committee. The appointing officers shall allocate among themselves the authority for appointment of members with different types of qualifications. The committee must]~~ include:

(1) four members who ~~[one member to]~~ represent a diverse cross-section of public transportation providers ~~[in rural areas];~~

(2) three members who ~~[one member to]~~ represent a diverse cross-section of transportation users ~~[municipal transit systems in urban areas with population of less than 200,000]; and~~

(3) two members who ~~[one member to represent metropolitan transit authorities in urban areas with populations of 200,000 or more;~~

~~[(4) one member to represent transportation providers for persons with disabilities and the elderly; and~~

~~[(5) five members who have a knowledge of and interest in public transportation to]~~ represent the general public.

(c) A member serves at the pleasure of the commission ~~[officer appointing the member]~~. A member is not entitled to compensation for service on the committee but is entitled to reimbursement for reasonable expenses the member incurs in performing committee duties.

(d) The public transportation advisory committee shall meet ~~[quarterly or]~~ as requested by the commission.

(e) The commission may adopt rules to govern the operation of the advisory committee.

SECTION _____.04. Section 461.012, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.05. Section 533.012, Health and Safety Code, is amended to read as follows:

Sec. 533.012. COOPERATION OF STATE AGENCIES. (a) At the department's request, all state departments, agencies, officers, and employees shall cooperate with the department in activities that are consistent with their functions.

(b) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.06. Section 22.001, Human Resources Code, is amended by adding Subsection (e) to read as follows:

(e) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.07. Section 40.002, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) The department may contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.08. Section 91.021, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.09. Section 101.0256, Human Resources Code, is amended to read as follows:

Sec. 101.0256. COORDINATED ACCESS TO LOCAL SERVICES. (a) The department and the Texas Department of Human Services shall develop standardized assessment procedures to share information on common clients served in a similar service region.

(b) The department shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the department relating to the provision of transportation services for clients of eligible programs.

SECTION _____.10. Section 111.0525, Human Resources Code, is amended by adding Subsection (d) to read as follows:

(d) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.11. Section 301.063, Labor Code, is amended by adding Subsection (f) to read as follows:

(f) The commission shall contract with the Texas Department of Transportation for the Texas Department of Transportation to assume all responsibilities of the commission relating to the provision of transportation services for clients of eligible programs.

SECTION _____.12. LEGISLATIVE INTENT REGARDING PROVISION OF HEALTH AND HUMAN SERVICE TRANSPORTATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION. It is the intent of the legislature that the provision of health and human service transportation through the Texas Department of Transportation will improve the delivery of transportation services to clients and enhance their access to transportation services. Furthermore, it is the intent of the legislature that these services be provided in a manner that will generate efficiencies in operation, control costs,

and permit increased levels of service. The Texas Department of Transportation shall encourage cooperation and coordination among transportation providers, regional transportation brokers, and actual and potential clients in an effort to achieve the stated legislative goals.

SECTION _____.13. Any funds that are used by the Texas Department of Transportation to implement the transportation services provided in Sections _____.02, _____.04, _____.05, _____.06, _____.07, _____.08, _____.09, _____.10, and _____.11 shall be accounted for and budgeted separately from other funds appropriated to the Texas Department of Transportation for any other public transportation program or budget strategy.

Amendment No. 36 was adopted without objection.

Amendment No. 37

Representative Phillips offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following section to Article 12 of the bill and renumbering subsequent sections as follows:

SECTION _____. Chapter 551, Transportation Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. NEIGHBORHOOD ELECTRIC VEHICLES

Sec. 551.301. DEFINITION. (a) In this subchapter, "neighborhood electric vehicle" means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 CFR 571.500).

Sec. 551.302. OPERATION ON ROADWAY. (a) A neighborhood electric vehicle may be operated only on a street or highway for which the posted speed limit is 35 miles per hour or less. The vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A county or municipality may prohibit the operation of a neighborhood electric vehicle on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(c) The department may prohibit the operation of a neighborhood electric vehicle on a highway if it determines that the prohibition is necessary in the interest of safety.

Amendment No. 37 was adopted without objection.

Amendment No. 38

Representative Gutierrez offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, by adding the following article to the bill, appropriately numbered, and renumbering existing articles accordingly:

ARTICLE _____. NONREPAIRABLE AND SALVAGE VEHICLES; SALVAGE VEHICLE DEALERS

SECTION _____.01. Section 501.0234(b), Transportation Code, is amended to read as follows:

(b) This section does not apply to a vehicle:

(1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;

(2) for which the certificate of title has been surrendered in exchange for:

(A) a salvage vehicle ~~[certificate of]~~ title issued under this chapter;

(B) a nonrepairable ~~[motor]~~ vehicle ~~[certificate of]~~ title issued under this chapter;

(C) a certificate of authority issued under Subchapter D, Chapter 683; or

(D) an ownership document issued by another state that is comparable to a document described by Paragraphs (A)-(C); or

(3) with a gross weight in excess of 11,000 pounds.

SECTION _____.02. Subchapter E, Chapter 501, Transportation Code, is amended to read as follows:

SUBCHAPTER E. NONREPAIRABLE AND SALVAGE ~~[MOTOR]~~ VEHICLES

Sec. 501.091 ~~[501.0911]~~. DEFINITIONS. ~~[(a)]~~ In this subchapter:

(1) ~~["Actual cash value" means the market value of a motor vehicle as determined:~~

~~[(A) from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles; or~~

~~[(B) if the entity determining the value is an insurance company, by any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner.~~

~~[(2) "Automobile recycler" means a person in the business of dealing in salvage motor vehicles for the purpose of dismantling the vehicles to sell used parts or a person otherwise engaged in the business of acquiring, selling, or dealing in salvage parts for reuse or resale as parts. The term includes a dealer in used motor vehicle parts.~~

~~[(3)]~~ "Casual sale" means the sale by a salvage vehicle dealer or an insurance company ~~[at auction]~~ of not more than five ~~[one]~~ nonrepairable vehicles ~~[motor vehicle]~~ or ~~[late model]~~ salvage vehicles ~~[motor vehicle]~~ to the same person during any 12-month period ~~[a calendar year]~~. The term does not include:

(A) a sale at auction to a salvage vehicle dealer; or

(B) the sale of an export-only vehicle to a person who is not a resident of the United States.

(2) "Damage" means sudden damage to a motor vehicle caused by the vehicle being wrecked, burned, flooded, or stripped of major component parts. The term does not include gradual damage from any cause, sudden damage caused by hail, or any damage caused only to the exterior paint of the vehicle.

(3) "Export-only vehicle" means a motor vehicle described by Section 501.099.

(4) "Insurance company" means:

(A) a person authorized to write automobile insurance in this state;

or

(B) an out-of-state insurance company that pays a loss claim for a motor vehicle in this state.

(5) "Late model motor vehicle" means a motor vehicle with the same model year as the current calendar year or one of the seven ~~[five]~~ calendar years preceding that calendar year.

~~(6) ["Late model salvage motor vehicle" or "salvage motor vehicle" means a late model motor vehicle, other than a late model vehicle that is a nonrepairable motor vehicle, that is damaged to the extent that the total estimated cost of repairs, other than repairs related to hail damage but including parts and labor, is equal to or greater than an amount equal to 75 percent of the actual cash value of the vehicle in its predamaged condition.~~

~~(7)~~ "Major component part" means one of the following parts of a motor vehicle:

- (A) the engine;
- (B) the transmission;
- (C) the frame;
- (D) a ~~[the right or left front]~~ fender;
- (E) the hood;
- (F) a door allowing entrance to or egress from the passenger compartment of the vehicle;
- (G) a ~~[the front or rear]~~ bumper;
- (H) a ~~[the right or left]~~ quarter panel;
- (I) a ~~[the]~~ deck lid, tailgate, or hatchback;
- (J) the cargo box of a one-ton or smaller truck, including a pickup truck;
- (K) the cab of a truck; ~~[or]~~
- (L) the body of a passenger vehicle; or
- (M) the roof or floor pan of a passenger vehicle, if separate from the body of the vehicle.

(7) "Metal recycler" means a person who:

(A) is predominately engaged in the business of obtaining ferrous or nonferrous metal that has served its original economic purpose to convert the metal, or sell the metal for conversion, into raw material products consisting of prepared grades and having an existing or potential economic value;

(B) has a facility to convert ferrous or nonferrous metal into raw material products consisting of prepared grades and having an existing or potential economic value, by method other than the exclusive use of hand tools, including the processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the metal; and

(C) sells or purchases the ferrous or nonferrous metal solely for use as raw material in the production of new products.

(8) "Motor vehicle" has the meaning assigned by Section 541.201.

(9) ~~(8)~~ "Nonrepairable ~~[motor]~~ vehicle" means a late model motor vehicle that:

(A) is damaged [or missing a major component part] to the extent that the total estimated cost of repairs, other than repairs related to hail damage but [to rebuild or reconstruct the vehicle,] including parts and labor [other than the costs of materials and labor for repainting the vehicle and excluding sales taxes on the total cost of the repairs, and excluding the cost of repairs to repair hail damage], is equal to or greater than an amount equal to 95 percent of the actual cash value of the vehicle in its predamaged condition; or

(B) is damaged and came into this state under an out-of-state nonrepairable vehicle certificate of title or similar out-of-state ownership document that states on its face "dismantle only," "parts only," "junked," "scrapped," or a similar notation.

(10) [(9)] "Nonrepairable [motor] vehicle [certificate of] title" means a document issued by the department that evidences ownership of a nonrepairable [motor] vehicle.

[(10)] "Older model motor vehicle" means a motor vehicle that was manufactured in a model year before the sixth preceding model year, including the current model year.]

[(11)] "Other negotiable evidence of ownership" means a document other than a Texas certificate of title or a salvage certificate of title that relates to a motor vehicle that the department considers sufficient to support issuance of a Texas certificate of title for the vehicle.

[(12)] "Out-of-state buyer" means a person licensed under Section 2302.1075, Occupations Code [in an automotive business by another state or jurisdiction if the department has listed the holders of such a license as permitted purchasers of salvage motor vehicles or nonrepairable motor vehicles based on substantially similar licensing requirements and on whether salvage vehicle dealers licensed in Texas are permitted to purchase salvage motor vehicles or nonrepairable motor vehicles in the other state or jurisdiction].

(12) "Out-of-state ownership document" means a negotiable document issued by another state or jurisdiction that the department considers sufficient to prove ownership of a nonrepairable vehicle or salvage vehicle and to support the issuance of a comparable Texas certificate of title for the vehicle. The term does not include a title issued by the department, including a regular certificate of title, a nonrepairable vehicle title, a salvage vehicle title, or another ownership document issued by the department.

(13) "Public highway" has the meaning assigned by Section 502.001.

(14) [(13)] "Rebuilder" means a person who acquires and repairs, rebuilds, or reconstructs for operation on a public highway [highways], three [five] or more [late model] salvage [motor] vehicles in any 12-month period.

(15) "Salvage vehicle":

(A) means a motor vehicle that:

(i) is damaged to the extent that the cost of repair exceeds the fair market value of the vehicle immediately before the damage;

(ii) is damaged to the extent that the cost of the repair plus the salvage value of the vehicle in its damaged condition is approximately equal to or exceeds the fair market value of the vehicle in repaired or restored condition; or

(iii) is damaged and that comes into this state under an out-of-state salvage motor vehicle certificate of title or similar out-of-state ownership document that states on its face "accident damage," "flood damage," "inoperable," "rebuildable," "salvageable," or similar notation; and

(B) does not include an out-of-state vehicle with a "rebuilt," "salvage," or similar notation, a nonrepairable motor vehicle, or a motor vehicle for which an insurance company has paid a total loss claim for:

(i) the cost of repairing hail damage; or

(ii) theft, unless the vehicle was damaged during the theft and before recovery to the extent described by Paragraph (A)(i) or (ii).

(16) [(14)] "Salvage [motor] vehicle [certificate of] title" means a [any] document issued by the department that evidences ownership of a salvage [motor] vehicle.

(17) [(15)] "Salvage vehicle dealer" means a person engaged in this state in the business of acquiring, selling, dismantling, repairing, rebuilding, reconstructing, or otherwise dealing in nonrepairable vehicles, salvage vehicles, or used parts and required to hold a license issued by the department that allows the person to deal in nonrepairable or salvage vehicles or used parts. The term does not include a person who casually repairs, rebuilds, or reconstructs fewer than three salvage vehicles in the same 12-month period. The term includes a person engaged in the business of:

(A) a salvage vehicle dealer, regardless of whether the person holds a license issued by the department to engage in that business;

(B) dealing in nonrepairable vehicles or salvage vehicles, regardless of whether the person deals in used parts; or

(C) dealing in used parts regardless of whether the person deals in nonrepairable vehicles or salvage vehicles [has the meaning assigned by Section 1.01, Article 6687 1a, Revised Statutes].

(18) "Self-insured fleet vehicle" means a motor vehicle for which the department has issued a regular certificate of title, is self-insured by the owner, and is owned and operated by a business or governmental entity, without regard to the number of vehicles in the fleet. The term does not include a vehicle that is operated by an individual for private transportation and is self-insured by the owner or insured by an insurance company.

(19) "Used part" means a part that is salvaged, dismantled, or removed from a motor vehicle for resale as is or as repaired. The term includes a major component part but does not include a rebuildable or rebuilt core, including an engine, block, crankshaft, transmission, or other core part that is acquired, possessed, or transferred in the ordinary course of business.

[(b) For purposes of this subchapter:

[(1) the estimated cost of repair parts shall be determined by using a manual of repair costs or other instrument that is generally recognized and commonly used in the motor vehicle insurance industry to determine those costs or an estimate of the actual cost of the repair parts; and

~~[(2) the estimated labor costs shall be computed by using the hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community in which the repairs are performed.]~~

Sec. 501.092 ~~[501.0912]~~. INSURANCE COMPANY TO SURRENDER CERTIFICATES OF TITLE TO CERTAIN ~~[LATE MODEL]~~ SALVAGE ~~[MOTOR]~~ VEHICLES OR NONREPAIRABLE VEHICLES. (a) An insurance company that is licensed to conduct business in this state and that acquires, through payment of a total loss claim, ownership or possession of a [late model] salvage [motor] vehicle or nonrepairable vehicle covered by a certificate of title issued by this state [through payment of a claim] shall surrender a properly assigned certificate of title to the department, on a form prescribed by the department, except that not earlier than the 46th day after the date of payment of the claim the insurance company may surrender a certificate of title, on a form prescribed by the department, and receive a salvage certificate of title or a nonrepairable certificate of title without obtaining a properly assigned certificate of title if the insurance company:

(1) has obtained the release of all liens on the vehicle;
(2) is unable to locate one or more owners of the vehicle; and
(3) has provided notice to the last known address in the department's records to each owner that has not been located:

(A) by registered or certified mail, return receipt requested; or
(B) if a notice sent under Paragraph (A) is returned unclaimed, by publication in a newspaper of general circulation in the area where the unclaimed mail notice was sent.

(b) For a salvage vehicle [described by Section 501.0911(6) but not by Section 501.0911(8)], the insurance company shall apply for a salvage ~~[motor]~~ vehicle certificate of title. For a nonrepairable vehicle [described by Section 501.0911(8)], the insurance company shall apply for a nonrepairable ~~[motor]~~ vehicle certificate of title.

(c) An insurance company may not sell a ~~[late model salvage motor]~~ vehicle to which this section applies unless the department has issued a salvage ~~[motor]~~ vehicle certificate of title or a nonrepairable ~~[motor]~~ vehicle certificate of title for the vehicle or a comparable ownership document has been issued by another state or jurisdiction for the vehicle.

(d) An insurance company may sell a ~~[late model salvage motor]~~ vehicle to which this section applies, or assign a salvage ~~[motor]~~ vehicle certificate of title or a nonrepairable ~~[motor]~~ vehicle certificate of title for the vehicle, only to a salvage vehicle dealer, an out-of-state buyer, a buyer in a casual sale at auction, or a metal recycler [person described by Subsection (g), Article 6687-2b, Revised Statutes]. If the vehicle is not a ~~[late model]~~ salvage ~~[motor]~~ vehicle or a nonrepairable ~~[motor]~~ vehicle, the insurance company is not required to surrender the regular certificate of title for the vehicle or to be issued a salvage ~~[motor]~~ vehicle certificate of title or a nonrepairable ~~[motor]~~ vehicle certificate of title for the vehicle.

Sec. 501.093 ~~[501.0915]~~. INSURANCE COMPANY ~~[TO SUBMIT]~~
REPORT ON CERTAIN VEHICLES ~~[TO DEPARTMENT]~~. (a) If an insurance
company pays ~~[after payment of]~~ a total loss claim on a ~~[late model salvage~~
~~motor vehicle or a]~~ nonrepairable vehicle or salvage ~~[motor]~~ vehicle and the ~~[an]~~
insurance company does not acquire ownership of the vehicle, the insurance
company shall submit to the department, before the 31st day after the date of the
payment of the claim, on the form prescribed by the department, a report stating
that the insurance company:

(1) ~~[the insurance company]~~ has paid a total loss claim on the vehicle;
and

(2) ~~[the insurance company]~~ has not acquired ownership of the vehicle.

(b) The owner of a ~~[late model salvage motor]~~ vehicle to which this section
applies may not transfer ownership of the vehicle ~~[by sale or otherwise unless the~~
~~department has issued a salvage motor vehicle certificate of title or a~~
~~nonrepairable motor vehicle certificate of title for the vehicle or a comparable~~
~~ownership document has been issued by another state or jurisdiction for the~~
~~vehicle]~~.

(c) Subsection (b) does not apply if:

(1) the department has issued a nonrepairable vehicle title or salvage
vehicle title for the vehicle; or

(2) another state or jurisdiction has issued a comparable out-of-state
ownership document for the vehicle.

Sec. 501.094. SELF-INSURED FLEET VEHICLE. (a) This section applies
only to a vehicle in this state that is:

(1) a self-insured fleet vehicle;

(2) damaged to the extent it becomes a nonrepairable or salvage
vehicle; and

(3) removed from normal fleet operation by the fleet owner.

(b) The fleet owner of a vehicle to which this section applies shall submit to
the department before the 31st day after the date of the damage, on the form
prescribed by the department, a report stating that the vehicle was self-insured,
damaged, and was removed from normal fleet operation.

(c) When the fleet owner submits a report under Subsection (b), the fleet
owner shall:

(1) surrender the regular certificate of title for the vehicle; and

(2) apply for a nonrepairable vehicle title or salvage vehicle title under
this subchapter.

(d) The fleet owner of a vehicle to which this section applies may sell,
transfer, or release the vehicle only to:

(1) a business or governmental entity described by Section 501.095(a);
or

(2) a buyer at a casual sale.

(e) Subsection (d) does not apply if:

(1) the department has issued a nonrepairable vehicle title or salvage
vehicle title for the vehicle; or

(2) another state or jurisdiction has issued a comparable out-of-state ownership document for the vehicle.

(f) A fleet owner shall make a reasonable effort to obtain a nonrepairable vehicle title or salvage vehicle title to a vehicle to which this section applies before selling, transferring, or releasing the vehicle.

(g) If a fleet owner sells, transfers, or releases a nonrepairable vehicle or salvage vehicle to a buyer at a casual sale without first obtaining a title under Subsection (c), the fleet owner shall:

(1) apply for a nonrepairable vehicle title or salvage vehicle title on behalf of the person who acquires the vehicle;

(2) obtain from that person a signed notice under Subsection (h);

(3) submit to the department, on the form prescribed by the department, a report stating that the fleet owner has:

(A) determined the vehicle to be a nonrepairable vehicle or salvage vehicle; and

(B) sold, transferred, or released the vehicle to another person before obtaining a nonrepairable vehicle title or salvage vehicle title; and

(4) submit to the department with the report required by Subdivision (3), a \$15 application fee, accompanied by the regular certificate of title stamped on its face "FLEET DAMAGED" in capital letters that:

(A) are red;

(B) are centered on and occupy at least 15 percent of the face of the certificate of title; and

(C) do not prevent any other words on the title from being read or copied.

(h) If a fleet owner sells, transfers, or releases a nonrepairable vehicle or salvage vehicle to a buyer at a casual sale without first obtaining a nonrepairable vehicle title or salvage vehicle title, the owner shall obtain the signature of the person acquiring the vehicle on a printed notice of each substantial limitation on the vehicle under this subchapter, including that:

(1) the vehicle may not be operated on a public highway or sold without first surrendering the regular certificate of title;

(2) a nonrepairable vehicle may not be repaired, rebuilt, reconstructed, issued a regular certificate of title, or registered under Chapter 502; and

(3) in a 12-month period, the same person may not repair, rebuild, or reconstruct more than two salvage vehicles:

(A) after a casual sale; and

(B) without obtaining a license as a salvage vehicle dealer.

(i) The department shall send the nonrepairable vehicle title or salvage vehicle title to the address of the person who acquired the vehicle shown on the title application.

Sec. 501.095 [501.0916]. SALE, TRANSFER, OR RELEASE OF NONREPAIRABLE VEHICLE OR [LATE-MODEL] SALVAGE [OR NONREPAIRABLE MOTOR] VEHICLE. (a) If the department has not issued a nonrepairable vehicle title or salvage vehicle title for the vehicle and an out-of-state ownership document for the vehicle has not been issued by another

state or jurisdiction, a business or governmental entity described by Subdivisions (1)-(3) [A person] may [not] sell, transfer, or release a [late model salvage motor vehicle or a] nonrepairable vehicle or salvage [motor] vehicle only to a person who is [other than]:

(1) a licensed [person who holds a] salvage vehicle dealer, metal recycler, or out-of-state buyer [license issued] under Chapter 2302, Occupations Code;

(2) an insurance company that has paid a total loss claim on [the former owner of] the vehicle; or

(3) a governmental entity[;

[4) an out of state buyer;

[5) a buyer in a casual sale at auction; or

[6) a person described by Section 2302.003, Occupations Code].

(b) If the department has issued a nonrepairable vehicle title or salvage vehicle title for the vehicle or another state or jurisdiction has issued a comparable out-of-state ownership document for the vehicle, a person may sell, transfer, or release a nonrepairable vehicle or salvage vehicle to any person [A person who sells, transfers, or releases a motor vehicle under Subsection (a) shall deliver a properly assigned certificate of title for the vehicle to the person to whom the motor vehicle is sold, transferred, or released. If the assigned certificate of title is not a salvage motor vehicle certificate of title, a nonrepairable motor vehicle certificate of title, or a comparable ownership document issued by another state or jurisdiction, the purchaser shall, not later than the 10th day after the date the purchaser receives the certificate of title:

[1) surrender the certificate of title to the department; and

[2) apply for a salvage motor vehicle certificate of title or a nonrepairable motor vehicle certificate of title for the vehicle, as appropriate].

(c) A business or governmental entity listed in Subsection (a) may sell, transfer, or release a nonrepairable vehicle or salvage vehicle to another person only if the other person is the owner or former owner of the vehicle, or a buyer in a casual sale, if the business or entity submits to the department before the 31st day after the date of the sale, transfer, or release, on the form prescribed by the department, a report stating that the vehicle was a nonrepairable vehicle or salvage vehicle and the business or entity sold, transferred, or released the vehicle on a regular certificate of title to the owner, former owner, or buyer at a casual sale [A salvage vehicle dealer that acquires ownership of a late model salvage motor vehicle or a nonrepairable motor vehicle for the purpose of dismantling, scrapping, or destroying the vehicle shall, before the 31st day after the date the dealer acquires the vehicle, submit to the department, on the form prescribed by the department, a report stating that the vehicle will be dismantled, scrapped, or destroyed, accompanied by a properly assigned regular certificate of title, salvage motor vehicle certificate of title, nonrepairable motor vehicle certificate of title, or comparable ownership document issued by another state or jurisdiction for the vehicle].

(d) If a nonrepairable vehicle title or a salvage vehicle title has not been issued for the vehicle, a business or governmental entity that submits a report under Subsection (c) shall:

(1) apply for a nonrepairable vehicle title or salvage vehicle title on behalf of the person who acquired the vehicle;

(2) obtain from the recipient a signed notice under Subsection (e); and

(3) submit with the report:

(A) a \$15 application fee; and

(B) the regular certificate of title stamped on its face "CASUAL SALE" in capital letters that:

(i) are centered on and occupy at least 15 percent of the face of the certificate of title; and

(ii) do not prevent any other words on the title from being read or copied [On receipt of the report and the certificate of title, the department shall issue the salvage vehicle dealer a receipt for the certificate of title, salvage motor vehicle certificate of title, nonrepairable motor vehicle certificate of title, or comparable ownership document issued by another state or jurisdiction].

(e) If a business or governmental entity described by Subsection (a) sells, transfers, or releases a nonrepairable vehicle or salvage vehicle under Subsection (c) without first obtaining a nonrepairable vehicle title or salvage vehicle title, the business or entity shall obtain the signature of the person who acquired the vehicle on a printed notice of each substantial limitation on the vehicle under this subchapter, including that:

(1) the vehicle may not be operated on a public highway or sold without first surrendering the regular certificate of title;

(2) a nonrepairable vehicle may not be repaired, rebuilt, reconstructed, issued a regular certificate of title, or registered under Chapter 502; and

(3) in a 12-month period the same person may not repair, rebuild, or reconstruct more than two salvage vehicles:

(A) after a casual sale; or

(B) without first obtaining a license as a salvage vehicle dealer [A salvage vehicle dealer who submits a report under Subsection (e) shall report to the department after the action is taken that the vehicle was dismantled, scrapped, or destroyed].

(f) The department shall send the nonrepairable vehicle title or salvage vehicle title to the address of the person who acquired the vehicle shown on the title application.

Sec. 501.096. NONREPAIRABLE VEHICLE OR SALVAGE VEHICLE DISMANTLED, SCRAPPED, OR DESTROYED. (a) If a salvage vehicle dealer acquires ownership of a nonrepairable vehicle or salvage vehicle for the purpose of dismantling, scrapping, or destroying the vehicle, the dealer shall, before the 31st day after the date the dealer acquires the vehicle, submit to the department a report stating that the vehicle will be dismantled, scrapped, or destroyed. The dealer shall:

(1) make the report on a form prescribed by the department; and

(2) submit with the report a properly assigned regular certificate of title, nonrepairable vehicle title, salvage vehicle title, or comparable out-of-state ownership document for the vehicle.

(b) After receiving the report and title or document, the department shall issue the salvage vehicle dealer a receipt for the regular certificate of title, nonrepairable vehicle title, salvage vehicle title, or comparable out-of-state ownership document.

(c) The salvage vehicle dealer shall:

~~[Sec. 501.0917. SALVAGE VEHICLE DEALER TO SUBMIT REPORT TO DEPARTMENT. (a) A salvage vehicle dealer that acquires an older model vehicle for the purpose of dismantling, scrapping, or destroying the vehicle and that receives a properly assigned certificate of title for the vehicle shall, before the 31st day after the date the dealer acquires the vehicle:]~~

~~(1) [submit to the department, on the form prescribed by the department, a report stating that the vehicle will be dismantled, scrapped, or destroyed, accompanied by the properly assigned regular certificate of title, salvage motor vehicle certificate of title, nonrepairable motor vehicle certificate of title, or comparable ownership document issued by another state or jurisdiction for the vehicle; and~~

~~[(2)] keep on the business premises of the dealer, until the third anniversary of the date the report on the vehicle is submitted to the department, a record of the vehicle, its ownership, and its condition as dismantled, scrapped, or destroyed; and~~

(2) [-

~~[(b) A salvage vehicle dealer that is required to submit a report under Subsection (a) shall] present to the department, on the form prescribed by the department, evidence that the vehicle was dismantled, scrapped, or destroyed before the 61st day after the date the dealer completed the dismantling, scrapping, or destruction of the vehicle.~~

Sec. 501.097 [501.0920]. APPLICATION FOR NONREPAIRABLE VEHICLE TITLE OR SALVAGE [MOTOR] VEHICLE [CERTIFICATE OF] TITLE. (a) An application for a ~~[salvage motor vehicle certificate of title or a]~~ nonrepairable vehicle title or salvage ~~[motor]~~ vehicle ~~[certificate of]~~ title must:

(1) be made on a form prescribed by the department and accompanied by a \$15 application fee ~~[established by the department, not to exceed an amount that is sufficient, when added to other fees collected under this chapter, to recover the actual costs to the department of issuing the certificate]; [and]~~

(2) include, in addition to any other information required by the department:

(A) the name and current address of the owner;

(B) a description of the vehicle, including the make, style of body, model year, and vehicle identification number; and

(C) a statement describing whether the vehicle:

(i) was the subject of a total loss claim paid by an insurance company under Section 501.092 or 501.093;

(ii) is a self-insured fleet vehicle under Section 501.094;

(iii) is an export-only vehicle under Section 501.099; or
(iv) was sold, transferred, or released to the owner or former
owner of the vehicle, or a buyer at a casual sale; and

(3) include the name and address of any current lien holder [description
of the damage to the vehicle;

[~~(D) the estimated cost of repairs to the vehicle, including parts and~~
labor; and

[~~(E) the predamaged actual cash value of the vehicle].~~

(b) On receipt of a complete application and the ~~[prescribed]~~ application fee, the department shall, before the sixth business day after the date the department receives the application, issue the applicant the appropriate [a salvage motor vehicle certificate of] title for the [or a nonrepairable motor] vehicle ~~[certificate of title, as appropriate].~~

(c) A nonrepairable ~~[motor]~~ vehicle ~~[certificate of]~~ title must state on its face that ~~[, except as provided by Sections 501.0925 and 501.0927,]~~ the vehicle:

(1) may not be issued a regular certificate of title or registered in this state; and

(2) may only be used as a source for used parts or scrap metal.

Sec. 501.098 ~~[501.0921].~~ RIGHTS [POSSESSION AND OPERATION]
OF HOLDER OF NONREPAIRABLE VEHICLE TITLE OR SALVAGE
[MOTOR] VEHICLE TITLE. (a) A person who holds a nonrepairable vehicle
title for a vehicle:

(1) is entitled to possess, transport, dismantle, scrap, destroy, record a
lien on, and sell, transfer, or release ownership of the vehicle or a used part from
the vehicle;

(2) may not:

(A) operate or permit the operation of the vehicle on a public
highway, in addition to any other requirement of law;

(B) repair, rebuild, or reconstruct the vehicle; or

(C) register the vehicle.

(b) A person who holds a salvage ~~[motor]~~ vehicle ~~[certificate of]~~ title for a
vehicle:

(1) is entitled to possess [the vehicle, record a lien on the vehicle],
transport, dismantle, scrap, destroy, repair, rebuild, reconstruct, record a lien on
[the vehicle], and sell, transfer, or release ownership of the vehicle or a used part
from the vehicle; and [-]

(2) [(b) A vehicle for which a salvage motor vehicle certificate of title is
the most current title] may not operate or permit the operation of the vehicle [be
operated] on a public highway, in addition to any other requirement of law.

Sec. 501.099. SALE OF EXPORT-ONLY VEHICLES. (a) This section
applies to a nonrepairable vehicle or a salvage vehicle that is offered for sale in
this state.

(b) A person may purchase a nonrepairable vehicle or a salvage vehicle
only if:

(1) the person purchases the vehicle from a licensed salvage vehicle
dealer or a governmental entity;

(2) the vehicle has been issued a nonrepairable vehicle title or a salvage vehicle title; and

(3) the purchaser certifies to the seller on a form provided by the department that the purchaser will:

(A) remove the vehicle from the United States; and

(B) not return the vehicle to any state of the United States as a vehicle titled or registered under its manufacturer's vehicle identification number.

(c) A salvage vehicle dealer or a governmental entity that sells a nonrepairable vehicle or a salvage vehicle to a person who is not a resident of the United States shall, before the sale of the vehicle, obtain a copy, photocopy, or other accurate reproduction of a valid identification card, identification certificate, or an equivalent document issued to the purchaser by the appropriate authority of the jurisdiction in which the purchaser resides that bears a photograph of the purchaser and is capable of being verified using identification standards adopted by the United States or the international community.

(d) The department by rule shall establish a list of identification documents that are valid under Subsection (c) and provide a copy of the list to each holder of a salvage vehicle dealer license and to each appropriate governmental entity.

(e) A salvage vehicle dealer or a governmental entity that sells a nonrepairable vehicle or a salvage vehicle to a person who is not a resident of the United States shall:

(1) stamp on the face of the title so as not to obscure any name, date, or mileage statement on the title the words "FOR EXPORT ONLY" in capital letters that are black; and

(2) stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY" and print the number of the dealer's salvage vehicle license or the name of the governmental entity, as applicable.

(f) The words "FOR EXPORT ONLY" required by Subsection (e) must be at least two inches wide and clearly legible.

(g) A salvage vehicle dealer or governmental entity who sells a nonrepairable vehicle or a salvage vehicle under this section to a person who is not a resident of the United States shall keep on the business premises of the dealer or entity until the third anniversary of the date of the sale:

(1) a copy of each document related to the sale of the vehicle; and

(2) a list of all vehicles sold under this section that contains:

(A) the date of the sale;

(B) the name of the purchaser;

(C) the name of the country that issued the identification document provided by the purchaser, as shown on the document; and

(D) the vehicle identification number.

(h) This section does not prevent a person from:

(1) exporting or importing a used part obtained from an export-only vehicle; or

(2) operating an export-only vehicle in this state under the reciprocal title and registration law of a country other than the United States.

Sec. 501.100 [~~501.0922~~]. APPLICATION FOR REGULAR CERTIFICATE OF TITLE FOR SALVAGE [~~MOTOR~~] VEHICLE. (a) A vehicle for which a salvage [~~motor~~] vehicle [~~certificate of~~] title has been issued may be issued a regular certificate of title [~~only~~] after the vehicle has been repaired, rebuilt, or reconstructed by a person described by Section 501.104(a) [application] and, in addition to any other requirement of law, only if the application is accompanied by a separate form that:

(1) describes each major component part used to repair the vehicle; and
 (2) shows the identification number required by federal law to be affixed to or inscribed on the part [~~and~~]

~~[(2) is accompanied by a written statement signed by a specially trained commissioned officer of the Department of Public Safety certifying to the department that:~~

~~[(A) the vehicle identification numbers and parts identification numbers are accurate;~~

~~[(B) the applicant has proof that the applicant owns the parts used to repair the vehicle; and~~

~~[(C) the vehicle may be safely operated and complies with all applicable motor vehicle safety standards of this state].~~

(b) ~~[The Department of Public Safety may impose a fee, in an amount not to exceed the lesser of \$200 or the actual cost to that department, for conducting an inspection and providing the written statement required by Subsection (a).~~

~~[Sec. 501.0923. ISSUANCE OF CERTIFICATE OF TITLE FOR REBUILT SALVAGE MOTOR VEHICLE. (a)]~~ On receipt of a complete application under this section [~~Section 501.0922~~], accompanied by the \$15 [~~peace officer's statement and the appropriate~~] fee [~~for the certificate of title~~], the department shall issue the applicant a regular certificate of title for the vehicle.

(c) ~~[(b)]~~ A regular certificate of title issued under this section must:

(1) ~~[bear on its face the words "REBUILT SALVAGE"; and~~

[(2)] describe or disclose the vehicle's former condition in a manner reasonably understandable to a potential purchaser of the vehicle; and

(2) bear on its face the words "REBUILT SALVAGE" in capital letters that:

(A) are red;

(B) are centered on and occupy at least 15 percent of the face of the certificate of title; and

(C) do not prevent any other words on the title from being read or copied.

(d) In addition to the fee described by Subsection (b), the applicant shall pay a \$65 rebuilder fee.

(e) On or after the 31st day after the date the department receives a rebuilder fee under Subsection (d), the department shall deposit \$50 of the fee to the credit of the state highway fund to be used only by the Department of Public Safety to enforce this chapter and \$15 to the credit of the general revenue fund.

(f) The department may not issue a regular certificate of title for a motor vehicle based on a:

(1) nonrepairable vehicle title or comparable out-of-state ownership document;

(2) receipt issued under Section 501.096(b);

(3) salvage certificate; or

(4) certificate of authority.

Sec. 501.101 ~~[501.0924]~~. ~~ISSUANCE OF [CERTIFICATE OF] TITLE TO VEHICLE [CERTAIN VEHICLES] BROUGHT INTO STATE.~~ (a) This section applies only to [On proper application by the owner of] a motor vehicle brought into this state from another state or jurisdiction that has on any certificate of title or comparable out-of-state ownership document issued by the other state or jurisdiction:

(1) a "rebuilt," "salvage," ["nonrepairable,"] or similar [analogous] notation; or

(2) a "nonrepairable," "dismantle only," "parts only," "junked," "scrapped," or similar notation.

(b) On receipt of a complete application from the owner of the vehicle, the department shall issue the applicant the appropriate [a] certificate of title [or other appropriate document] for the vehicle.

(c) [(b)] A certificate of title [or other appropriate document] issued under this section must show on its face:

(1) the date of issuance;

(2) the name and address of the owner;

(3) any registration number assigned to the vehicle; and

(4) a description of the vehicle or other [as determined by the department; and

[(5) any] notation the department considers necessary or appropriate.

Sec. 501.102 ~~[501.0926]~~. ~~OFFENSES [OFFENSE].~~ (a) A [Except as provided by Section 501.0927, a] person commits an offense if the person:

(1) applies to the department for a regular certificate of title for a motor vehicle; and

(2) knows or reasonably should know that:

(A) the vehicle is a nonrepairable [motor] vehicle that has been repaired, rebuilt, or reconstructed;

(B) the vehicle identification number assigned to the vehicle belongs to a nonrepairable vehicle that has been repaired, rebuilt, or reconstructed;

(C) the title issued to the vehicle belongs to a nonrepairable vehicle that has been repaired, rebuilt, or reconstructed;

(D) the vehicle identification number assigned to the vehicle belongs to an export-only vehicle; or

(E) the vehicle is an export-only vehicle.

(b) A person commits an offense if the person knowingly sells, transfers, or releases a salvage vehicle in violation of this subchapter.

(c) A person commits an offense if the person knowingly fails or refuses to surrender a regular certificate of title after the person:

(1) receives a total loss claim payment from an insurance company under Section 501.092 or 501.093; or

(2) knows the vehicle has become a nonrepairable vehicle or salvage vehicle under Section 501.094.

(d) Except as provided by Subsection (e), an offense under this section is a Class C misdemeanor.

(e) If it is shown on the trial of an offense under this section that the defendant has been previously convicted of:

(1) one offense under this section, the offense is a Class B misdemeanor; or

(2) two or more offenses under this section, the offense is a state jail felony.

Sec. 501.103 ~~[501.0928]~~. COLOR OF NONREPAIRABLE VEHICLE TITLE OR [DEPARTMENT TO PRINT] SALVAGE [AND NONREPAIRABLE MOTOR] VEHICLE [CERTIFICATES OF] TITLE. (a) The department shall print a nonrepairable vehicle title:

(1) in a color that distinguishes it from a regular certificate of title or salvage vehicle title; and

(2) so that it clearly shows that it is the negotiable ownership document for a nonrepairable vehicle.

(b) A nonrepairable vehicle title must state on its face that the vehicle:

(1) may not be:

(A) issued a regular certificate of title;

(B) registered in this state; or

(C) repaired, rebuilt, or reconstructed; and

(2) may be used only as a source for used parts or scrap metal.

(c) The department shall print a salvage [motor] vehicle [certificates of] title;

(A) [and nonrepairable motor vehicle certificates of title] in a color that distinguishes it [them] from a regular certificate of title or nonrepairable vehicle [certificates of] title; and

(B) so that each document clearly shows that it is the ownership document for a [late model] salvage [motor] vehicle [or a nonrepairable motor vehicle].

(d) [(b) A nonrepairable motor vehicle certificate of title for a vehicle that is nonrepairable because of damage caused exclusively by flood must bear an appropriate notation on its face.

[(e)] A salvage [motor] vehicle [certificate of] title for a vehicle that is a salvage [motor] vehicle because of damage caused exclusively by flood must bear a [an appropriate] notation on its face that the department considers appropriate. If the title for a vehicle reflects the notation required by this subsection, the owner may sell, transfer, or release the vehicle only as provided by this subchapter.

(e) The department may provide a stamp to a person who is a licensed salvage vehicle dealer under Chapter 2302, Occupations Code, to mark the face of a title under this subchapter. The department shall provide the stamp to the person for a fee in the amount determined by the department to be necessary for the department to recover the cost of providing the stamp.

Sec. 501.104 [501.0929]. REBUILDER TO POSSESS [CERTIFICATE OF] TITLE OR OTHER DOCUMENTATION. (a) This section applies only to:

- (1) a rebuilder licensed as a salvage vehicle dealer;
- (2) a person engaged in the business of a rebuilder, regardless of whether the person is licensed to engage in that business; or
- (3) a person engaged in the casual repair, rebuilding, or reconstruction of fewer than three motor vehicles in the same 12-month period.

(b) A person described by Subsection (a) [rebuilder] must possess:

(1) a regular certificate of title, [a salvage motor vehicle certificate of title, a] nonrepairable vehicle title, salvage [motor] vehicle [certificate of] title, or [a] comparable out-of-state ownership document [issued by another state or jurisdiction] for any [motor] vehicle that is:

(A) owned by the person;

(B) [(4)] in the person's [rebuilder's] inventory; and

(C) [(2)] being offered for resale; or

(2) a contract entered into with the owner, a work order, or another document that shows the authority for the person to possess any vehicle that is:

(A) owned by another person;

(B) on the person's business or casual premises; and

(C) being repaired, rebuilt, or reconstructed for the other person.

[(b) A person who rebuilds a late model salvage motor vehicle for which the department has issued a salvage motor vehicle certificate of title, or who assembles a late model salvage motor vehicle from component parts, may apply to the department for a certificate of title for the vehicle. A certificate of title issued by the department under this subsection must bear the words "REBUILT SALVAGE."]

Sec. 501.105. RETENTION OF RECORDS RELATING TO CERTAIN CASUAL SALES. Each licensed salvage vehicle dealer or insurance company that sells a nonrepairable vehicle or a salvage vehicle at a casual sale shall keep on the business premises of the dealer or the insurance company a list of all casual sales made during the preceding 36-month period that contains:

- (1) the date of the sale;
- (2) the name of the purchaser;
- (3) the name of the jurisdiction that issued the identification document provided by the purchaser, as shown on the document; and
- (4) the vehicle identification number.

Sec. 501.106 [501.0930]. ENFORCEMENT OF SUBCHAPTER. (a) This subchapter shall be [exclusively] enforced by the department and [or] any other governmental or law enforcement entity, including the Department of Public Safety, and the [agency or its] personnel of the entity, [except] as provided by this subchapter.

(b) The department, ~~[or]~~ an agent, officer, or employee of the department, or another person enforcing this subchapter is not liable to a person damaged or injured by an act or omission relating to the issuance of a regular certificate of title, ~~[salvage motor vehicle certificate of title, or]~~ nonrepairable ~~[motor]~~ vehicle ~~[certificate of]~~ title, or salvage vehicle title under this subchapter.

Sec. 501.107 ~~[501.0934]~~. APPLICABILITY OF SUBCHAPTER TO RECYCLER. (a) This subchapter does not apply to~~[-and does not preclude or prohibit]~~ a sale to, purchase by, or other transaction by or with, a metal recycler ~~[person described by Subsection (g), Article 6687-2b, Revised Statutes,]~~ except as provided by Subsections (b) and (c).

(b) A metal recycler ~~[person described by Subsection (g), Article 6687-2b, Revised Statutes,]~~ shall submit to the department the regular certificate of title, nonrepairable vehicle title, salvage vehicle title, or comparable out-of-state ownership ~~[equivalent]~~ document that the person receives in conjunction with the purchase of a motor vehicle not later than the 60th day after the date the metal recycler ~~[person]~~ receives the ~~[certificate of]~~ title or out-of-state ownership ~~[equivalent]~~ document.

(c) This subchapter applies to a transaction with a metal recycler ~~[person described by Subsection (g), Article 6687-2b, Revised Statutes,]~~ in which a motor vehicle:

(1) is sold or delivered to the metal recycler ~~[person]~~ for the purpose of reuse or resale as a motor vehicle or as a source of used ~~[motor vehicle]~~ parts; and

(2) ~~[if the motor vehicle]~~ is ~~[so]~~ used for that purpose.

~~[(d) This subchapter does not:~~

~~[(1) prohibit the owner of a late model salvage motor vehicle or a nonrepairable motor vehicle from selling the vehicle to any person, if the vehicle is so classified solely because of water damage caused by a flood; or~~

~~[(2) limit the ability or authority of an insurance company to adjust or settle a claim for loss on a motor vehicle.]~~

SECTION _____.03. Section 2302.001, Occupations Code, is amended to read as follows:

Sec. 2302.001. DEFINITIONS. In this chapter:

(1) ~~["Actual cash value" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(2)]~~ "Casual sale," "damage," "insurance company," "major component part," "metal recycler," "motor vehicle," "nonrepairable vehicle," "nonrepairable vehicle title," "salvage vehicle," "salvage vehicle title," "salvage vehicle dealer," and "used part" have ~~[has]~~ the meanings ~~[meaning]~~ assigned by Section 501.091 ~~[501.0911]~~, Transportation Code.

(2) ~~[(3)]~~ "Commission" means the Texas Transportation Commission.

(3) ~~[(4)]~~ "Department" means the Texas Department of Transportation.

(4) ~~[(5)]~~ "Federal safety certificate" means the label or tag required under 49 U.S.C. Section 30115 that certifies that a vehicle or equipment complies with applicable federal motor vehicle safety standards.

(5) ~~[(6)]~~ "Late model motor vehicle" has the meaning assigned by Section 501.0911, Transportation Code.

~~[(7) "Major component part" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(8) "Motor vehicle" has the meaning assigned by Section 541.201, Transportation Code.~~

~~[(9) "Nonrepairable motor vehicle certificate of title" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(10) "Out of state buyer" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(11) "Person" means an individual, partnership, corporation, trust, association, or other private legal entity.~~

~~[(12) "Salvage motor vehicle certificate of title" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(13) "Salvage part" means a major component part of a salvage motor vehicle that is serviceable to the extent that it can be reused.~~

~~[(14)] "Salvage pool operator" means a person who engages in the business of selling nonrepairable [motor] vehicles or salvage [motor] vehicles at auction, including wholesale auction, or otherwise.~~

(6) [(15)] "Salvage vehicle agent" means a person who acquires, sells, or otherwise deals [employed by a salvage vehicle dealer to acquire, sell, or deal] in nonrepairable or salvage [motor] vehicles or used [salvage] parts in this state as directed by the salvage vehicle dealer under whose license the person operates. The term does not include a person who:

(A) is a licensed salvage vehicle dealer;

(B) is a partner, owner, or officer of a business entity that holds a salvage vehicle dealer license;

(C) is an employee of a licensed salvage vehicle dealer; or

(D) only transports salvage vehicles for a licensed salvage vehicle dealer.

~~[(16) "Salvage vehicle dealer" means a person licensed under this chapter who engages in the business of acquiring, selling, dismantling, repairing, or dealing in salvage motor vehicles or vehicle parts of a type required to be covered by a salvage motor vehicle certificate of title or nonrepairable motor vehicle certificate of title.]~~

SECTION ____ .04. Subchapter A, Chapter 2302, Occupations Code, is amended by adding Section 2302.0015 to read as follows:

Sec. 2302.0015. CONSENT TO ENTRY AND INSPECTION. (a) A person consents to an entry or inspection described by Subsection (b) by:

(1) accepting a license under this chapter; or

(2) engaging in a business or activity regulated under this chapter.

(b) For the purpose of enforcing or administering this chapter or Chapter 501 or 502, Transportation Code, a member of the commission, an employee or agent of the commission or department, a member of the Public Safety Commission, an officer of the Department of Public Safety, or a peace officer may at a reasonable time:

(1) enter the premises of a business regulated under one of those chapters; and

(2) inspect or copy any document, record, vehicle, part, or other item regulated under one of those chapters.

(c) A person described by Subsection (a):

(1) may not refuse or interfere with an entry or inspection under this section; and

(2) shall cooperate fully with a person conducting an inspection under this section to assist in the recovery of stolen vehicles and parts and to prevent the sale or transfer of stolen vehicles and parts.

(d) An entry or inspection occurs at a reasonable time for purposes of Subsection (b) if the entry or inspection occurs:

(1) during normal business hours of the person or activity regulated under this chapter; or

(2) while an activity regulated under this chapter is occurring on the premises.

SECTION _____.05. Sections 2302.005, 2302.006, 2302.007, 2302.051, 2302.052, and 2302.101, Occupations Code, are amended to read as follows:

Sec. 2302.005. APPLICABILITY OF CERTAIN MUNICIPAL ORDINANCES, LICENSES, AND PERMITS. This chapter ~~[Subchapters B-E]~~:

(1) is ~~are~~ in addition to any municipal ordinance relating to the regulation of a person who deals in nonrepairable or salvage ~~motor~~ vehicles or used parts; and

(2) does ~~do~~ not prohibit the enforcement of a requirement of a municipal license or permit that is related to an activity regulated under this chapter ~~[those subchapters]~~.

Sec. 2302.006. APPLICATION OF CHAPTER ~~[SUBCHAPTERS B-E]~~ TO METAL RECYCLERS. (a) Except as provided by Subsections ~~[Subsection]~~ (b) and (c), this chapter does ~~[Subchapters B-E do]~~ not apply to a transaction in which a metal recycler is a party.

(b) This chapter applies to ~~[, other than]~~ a transaction in which a motor vehicle:

(1) is sold, transferred, released, or delivered to a ~~the~~ metal recycler for the purpose of reuse or resale as a motor vehicle or as a source of used ~~motor vehicle~~ parts; and

(2) is used for that purpose.

(c) ~~(b)~~ Sections 2302.0015 and ~~[Section]~~ 2302.205 apply ~~[applies]~~ to a metal recycler.

~~[(c) Subchapter G does not apply to a sale or purchase by a metal recycler.]~~

Sec. 2302.007. APPLICATION OF CHAPTER ~~[SUBCHAPTERS B-E]~~ TO INSURANCE COMPANIES. This chapter does ~~[Subchapters B-E do]~~ not apply to an insurance company ~~[authorized to engage in the business of insurance in this state]~~.

Sec. 2302.051. RULES AND ENFORCEMENT POWERS. The commission shall adopt rules as necessary to administer this chapter ~~[subchapter and Subchapters A and C-E]~~ and may take other action as necessary to enforce this chapter ~~[those subchapters]~~.

Sec. 2302.052. DUTY TO SET FEES. The commission shall set application fees, license fees, renewal fees, and other fees as required to implement this chapter ~~[Subchapters C-E]~~. The commission shall set the fees in amounts reasonable and necessary to implement and enforce this chapter ~~[those subchapters]~~.

Sec. 2302.101. LICENSE REQUIRED FOR SALVAGE VEHICLE DEALER. ~~[(a) In this section, "automobile recycler" has the meaning assigned by Section 501.0911, Transportation Code.~~

~~[(b)]~~ Unless a person holds a salvage vehicle dealer license issued under this chapter, the person may not:

(1) act as a salvage vehicle dealer or rebuilder ~~[an automobile recycler]~~; or

(2) store or display a vehicle as an agent or escrow agent of an insurance company.

SECTION _____.06. Section 2302.107(d), Occupations Code, is amended to read as follows:

(d) A salvage vehicle agent may acquire, sell, or otherwise deal in ~~[late model salvage motor vehicles]~~ nonrepairable or salvage ~~[motor]~~ vehicles or used ~~[or salvage]~~ parts as directed by the authorizing dealer.

SECTION _____.07. Subchapter C, Chapter 2302, Occupations Code, is amended by adding Section 2302.1075 to read as follows:

Sec. 2302.1075. OUT-OF-STATE BUYER LICENSE. (a) A person who resides in another state or jurisdiction may not purchase a nonrepairable or salvage vehicle in this state unless the person holds an out-of-state buyer license issued by the department.

(b) The department shall issue an out-of-state buyer license to a person if:

(1) the person submits an application to the department, accompanied by a nonrefundable application fee; and

(2) the department determines that the applicant resides in another state or jurisdiction that permits a salvage vehicle dealer licensed under this chapter to purchase a nonrepairable or salvage vehicle in the person's state or jurisdiction.

(c) Notwithstanding Section 2302.052, the amount of the application fee for a license under this section is:

(1) \$50, if the other state or jurisdiction does not recognize such a license issued by this state and does not exempt the holder from securing a license issued by the other state or jurisdiction; or

(2) \$25 if the applicant certifies to the department that the applicant will purchase vehicles in this state only over the Internet.

(d) An applicant for a license under this section who resides in another state must submit a copy, photocopy, or other accurate reproduction of a license issued to the applicant by the appropriate licensing authority of the state in which the applicant resides allowing the applicant to:

(1) drive or operate a motor vehicle; and

(2) engage in an automotive business.

(e) An applicant for a license under this chapter who resides in a jurisdiction outside the United States must submit a copy, photocopy, or other accurate reproduction of:

(1) an identification card, certificate, or equivalent document issued to the applicant by the appropriate licensing authority of the jurisdiction in which the applicant resides that bears a photograph of the applicant and is capable of being verified using identification standards adopted by the United States; or

(2) an identification card, certificate, or equivalent document that bears a photograph of the applicant and is capable of being verified using identification standards adopted by the international community.

(f) Notwithstanding Section 2302.052 and Subchapter D, a license issued under this section expires on the first anniversary of the date of issuance and may be renewed annually by submitting an application for renewal of the license on or before the expiration date of the license accompanied by a fee in the amount required by Subsection (c) for filing an application for an original license.

SECTION _____.08. Sections 2302.201, 2302.202, 2302.204, 2302.205, 2302.251, 2302.302, 2302.351, and 2302.353, Occupations Code, are amended to read as follows:

Sec. 2302.201. DUTIES ON ACQUISITION OF SALVAGE ~~[MOTOR]~~ VEHICLE. (a) A salvage vehicle dealer who acquires ownership of a salvage ~~[motor]~~ vehicle from an owner must receive from the owner an assigned ~~[certificate of]~~ title.

(b) The ~~[If the assigned certificate of title is not a salvage motor vehicle certificate of title, a nonrepairable motor vehicle certificate of title, or a comparable ownership document issued by another state or jurisdiction, the]~~ dealer shall comply with Subchapter E, Chapter 501 ~~[Section 501.0916(b)],~~ Transportation Code.

Sec. 2302.202. RECORDS OF PURCHASES. A salvage vehicle dealer ~~[license holder]~~ shall maintain a record of each salvage ~~[motor]~~ vehicle and each used [salvage] part purchased or sold by the dealer ~~[license holder]~~.

Sec. 2302.204. CASUAL SALES. This chapter does ~~[This subchapter and Subchapters B-D do]~~ not apply to a person who purchases fewer than three [a] nonrepairable vehicles ~~[motor vehicle]~~ or salvage vehicles ~~[motor vehicle]~~ from a salvage vehicle dealer or salvage pool operator in a casual sale at auction, except that:

(1) the commission shall adopt rules as necessary to regulate casual sales by salvage vehicle dealers, insurance companies, or salvage pool operators and to enforce this section; and

(2) a salvage vehicle dealer, insurance company, or salvage pool operator who sells a vehicle in a casual sale shall comply with those rules and Subchapter E, Chapter 501, Transportation Code.

Sec. 2302.205. DUTY OF METAL RECYCLER. A metal recycler who purchases a motor vehicle shall submit a regular certificate of title or a nonrepairable or salvage vehicle ~~[, not later than the 60th day after the date the recycler receives the certificate of]~~ title or comparable out-of-state ownership

~~[equivalent document in conjunction with the purchase, submit the certificate or]~~
document to the department and comply with Subchapter E, Chapter 501,
Transportation Code.

Sec. 2302.251. DEFINITIONS. In this subchapter:

- (1) "Component part" means a major or minor component part ~~[-~~
~~(A) a front end assembly or tail section;~~
~~(B) the cab of a light or heavy truck;~~
~~(C) the bed of a one ton or lighter truck; or~~
~~(D) an interior component part, a special accessory part, or a~~
~~motor vehicle part that displays or should display one or more of the following:~~
~~(i) a federal safety certificate;~~
~~(ii) a motor number;~~
~~(iii) a serial number;~~
~~(iv) a manufacturer's permanent vehicle identification~~
~~number; or~~
~~(v) a derivative of a vehicle identification number].~~

(2) ~~["Front end assembly" means a motor vehicle hood, right or left front fender, grill, bumper, radiator, or radiator support, if two or more of those parts are assembled together as one unit.~~

~~[(3)]~~ "Interior component part" means a ~~[the front or rear]~~ seat or ~~[the]~~ radio of a motor vehicle.

(3) "Minor component part" means an interior component part, a special accessory part, or a motor vehicle part that displays or should display one or more of the following:

- (A) a federal safety certificate;
(B) a motor number;
(C) a serial number or a derivative; or
(D) a manufacturer's permanent vehicle identification number or a derivative.

(4) "Special accessory part" means a tire, wheel, tailgate, or removable glass top of a motor vehicle.

~~[(5)]~~ ~~"Tail section" means a motor vehicle roof, floor pan, right or left rear quarter panel, deck lid, or rear bumper, if two or more of those parts are assembled together as one unit.]~~

Sec. 2302.302. LIMITS ON OPERATION OF HEAVY MACHINERY. (a) A salvage vehicle dealer may not operate heavy machinery in a motor vehicle salvage yard between the hours of 7 p.m. of one day and 7 a.m. of the following day.

(b) This section does not apply to conduct necessary to a sale or purchase by the dealer.

Sec. 2302.351. INJUNCTIONS. (a) The prosecutor in the county where a motor vehicle salvage yard is located or the city attorney in the municipality where the salvage yard is located may bring suit to enjoin for a period of less than one year a violation of this chapter ~~[Subchapter G].~~

(b) If a salvage vehicle dealer, ~~or~~ an employee of the dealer acting in the course of employment, or a salvage vehicle agent operating under the dealer's license is convicted of more than one offense under Section 2302.353(a) ~~[2302.353(a)(2) or (b)]~~, the district attorney for a ~~the~~ county in which the dealer's salvage business is located may bring an action in that county to enjoin the dealer's business operations for a period of at least one year.

(c) An action under Subsection (b) must be brought in the name of the state. If judgment is in favor of the state, the court shall:

(1) enjoin the dealer from maintaining or participating in the business of a salvage vehicle dealer for a definite period of at least one year or indefinitely, as determined by the court; and

(2) order that the dealer's place of business be closed for the same period.

Sec. 2302.353. OFFENSES. (a) A person commits an offense if the person knowingly violates:

(1) a provision of this chapter other than Subchapter G ~~[Subchapter C, D, or E or a rule adopted under Subchapter C, D, or E]~~; or

(2) a rule adopted under a provision of this chapter other than Subchapter G ~~[Subchapter F]~~.

(b) ~~[A person commits an offense if the person violates Subchapter F in conjunction with a violation of Section 31.03, Penal Code.]~~

~~[(c)]~~ A person commits an offense if the person knowingly violates Subchapter G.

~~(c) [(d)] An offense under Subsection (a) is a Class A misdemeanor.~~

~~[(e)]~~ An offense under Subsection (a) ~~[(b)]~~ is a Class A misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted of an offense under that subsection, in which event the offense is punishable as a state jail felony ~~[of the third degree]~~.

~~(d) [(f)]~~ An offense under Subsection (b) ~~[(c)]~~ is a Class C misdemeanor.

SECTION ____ .09. Section 152.001(4), Tax Code, is amended to read as follows:

(4) "Motor Vehicle" does not include:

(A) a device moved only by human power;

(B) a device used exclusively on stationary rails or tracks;

(C) road-building machinery;

(D) a mobile office;

(E) a vehicle with respect to which the certificate of title has been surrendered in exchange for:

(i) a salvage vehicle title ~~[certificate]~~ issued pursuant to Chapter 501, Transportation Code;

(ii) a certificate of authority issued pursuant to Chapter 683, Transportation Code;

(iii) a nonrepairable ~~[motor]~~ vehicle ~~[certificate of]~~ title issued pursuant to Chapter 501, Transportation Code;

(iv) an ownership document issued by another state if the document is comparable to a document issued pursuant to Subparagraph (i), (ii), or (iii); or

(F) a vehicle that has been declared a total loss by an insurance company pursuant to the settlement or adjustment of a claim.

SECTION ____ .10. The following provisions are repealed:

(1) Sections 501.0913, 501.0914, 501.0918, 501.0919, 501.0925, and 501.0927, Transportation Code; and

(2) Sections 2302.002, 2302.003, 2302.004, and 2302.352, Occupations Code.

SECTION ____ .11. This article takes effect September 1, 2003.

SECTION ____ .12. (a) A person who owns a nonrepairable motor vehicle for which a nonrepairable motor vehicle certificate of title was issued before the effective date of this article may repair, rebuild, or reconstruct the vehicle and receive a regular certificate of title for the vehicle on or before September 1, 2005.

(b) On the effective date of this article, the Texas Department of Transportation shall consider a salvage motor vehicle certificate of title issued before the effective date of this article to be a salvage vehicle title.

SECTION ____ .13. (a) The changes in law made by this article apply only to an offense committed on or after the effective date of this article. For purposes of this section, an offense was committed before the effective date of this article if any element of the offense occurred before the effective date.

(b) An offense committed before the effective date of this article is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

Amendment No. 39

Representative Gutierrez offered the following amendment to Amendment No. 38:

Amend the Gutierrez amendment to **CSHB 3588** as follows:

(1) On page 35, line 1, through page 36, line 19, strike SECTION ____ .07 of the amendment and renumber subsequent SECTIONS of the amendment accordingly.

(2) On page 37, line 8, strike "fewer than three" and substitute "not more than five".

Amendment No. 39 was adopted without objection.

Amendment No. 40

Representative Gutierrez offered the following amendment to Amendment No. 38:

Amend the Gutierrez amendment to **CSHB 3588** as follows:

(1) On page 5, strike lines 14 and 15 and substitute the following:

[~~(12) "Out of state buyer" means a person licensed in an automotive~~

(2) On page 5, strike line 22 and substitute "~~state or jurisdiction.~~"].

(3) On page 35, line 1, through page 36, line 19, strike SECTION __.07 of the amendment and renumber subsequent SECTIONS of ARTICLE __ of the amendment accordingly.

(4) On page 37, line 8, strike "fewer than three" and substitute "not more than five".

(5) On page 37, line 10, strike "at auction".

(6) On page 41, line 22, strike "2005" and substitute "2007".

Amendment No. 40 was adopted without objection.

Amendment No. 38 was withdrawn.

Amendment No. 41

Representative Hill offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, in ARTICLE 12 of the bill, by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION __. (a) Section 456.022, Transportation Code, is amended to read as follows:

Sec. 456.022. FORMULA ALLOCATION [BY CATEGORIES]. The commission shall adopt rules establishing a formula to allocate funds to eligible public transportation providers. The formula may take into account:

(1) the provider's performance;

(2) the number of passengers served by the provider;

(3) the need for public transportation by residents of the provider's service area;

(4) the population, population density, and land area of the provider's service area; and

(5) other factors established by the commission [Under the formula program the commission shall allocate:

[(1) 50 percent of the money to municipalities that are:

[(A) designated recipients in urbanized areas or transit providers eligible under Section 456.003 and not served by a transit authority; and

[(B) designated recipients that are not included in a transit authority but are located in urbanized areas that include one or more transit authorities and received state transit funding during the biennium that ended August 31, 1997; and

[(2) 50 percent of the money to designated recipients in nonurbanized areas].

(b) Section 456.024, Transportation Code, is repealed.

Amendment No. 41 was adopted without objection. (Isett, Merritt, and Phillips recorded voting no)

Amendment No. 41 - Vote Reconsidered

Representative Hill moved to reconsider the vote by which Amendment No. 41 was adopted.

The motion to reconsider prevailed.

Amendment No. 41 was withdrawn.

Amendment No. 42

Representative Hill offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588**, in ARTICLE 12 of the bill, by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION __. (a) Section 456.022, Transportation Code, is amended to read as follows:

Sec. 456.022. FORMULA ALLOCATION [BY CATEGORIES]. The commission shall adopt rules establishing a formula to allocate funds to eligible public transportation providers. The formula may take into account:

(1) the provider's performance;
(2) the number of passengers served by the provider;
(3) the need for public transportation by residents of the provider's service area;

(4) the population, population density, and land area of the provider's service area; and

(5) other factors established by the commission [Under the formula program the commission shall allocate:

[(1) 50 percent of the money to municipalities that are:

[(A) designated recipients in urbanized areas or transit providers eligible under Section 456.003 and not served by a transit authority; and

[(B) designated recipients that are not included in a transit authority but are located in urbanized areas that include one or more transit authorities and received state transit funding during the biennium that ended August 31, 1997; and

[(2) 50 percent of the money to designated recipients in nonurbanized areas].

(b) Section 456.024, Transportation Code, is repealed.

(c) This section takes effect September 1, 2004.

Amendment No. 42 was adopted without objection. (Hardcastle, Isett, and Phillips recorded voting no)

Amendment No. 43

Representative Hilderbran offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION __. Subchapter B, Chapter 391, Transportation Code, is amended by adding Section 391.0331 to read as follows:

Sec. 391.0331. RELOCATION BECAUSE OF HIGHWAY CONSTRUCTION. (a) If any outdoor advertising use, structure, or permit may not be continued because of widening, construction, or reconstruction of a

highway, the owner of the outdoor advertising is entitled to relocate the use, structure, or permit to another location in accordance with applicable administrative rules and policies of the department.

(b) Subject to federal and state regulations, any governmental entity, quasi-governmental entity, or public utility that acquires outdoor advertising by eminent domain or causes the need for the outdoor advertising to be relocated under this section shall pay the costs related to the acquisition or relocation.

(c) If a governmental entity prohibits the relocation of outdoor advertising as provided under this section, the governmental entity shall pay fair compensation.

Amendment No. 43 was adopted without objection.

Amendment No. 44

Representative Uresti offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding appropriately numbered SECTIONS to read as follows and renumbering SECTIONS of the bill accordingly:

SECTION __. (a) Subchapter H, Chapter 545, Transportation Code, is amended by adding Section 545.3571 to read as follows:

Sec. 545.3571. DESIGNATION OF SCHOOL CROSSING ZONES AND SCHOOL CROSSWALKS AND INSTALLATION OF OFFICIAL TRAFFIC CONTROL DEVICES. (a) Except as provided by Subsection (b), not later than the 30th day before the date the construction of a new public elementary or secondary school is scheduled to be completed or the date students are scheduled to begin attending a newly constructed public elementary or secondary school, whichever is earlier, the Texas Department of Transportation or the appropriate local authority, as applicable, shall designate each necessary school crossing zone and school crosswalk for the school and install the appropriate official traffic control devices for each designated school crossing zone.

(b) If the Texas Department of Transportation or the appropriate local authority does not receive timely notice required by Section 11.168, Education Code, the department or local authority must comply with Subsection (a) of this section not later than the 30th day after receiving notice that the construction of a new public elementary or secondary school is or is about to be completed or that students are or are scheduled to begin attending a newly constructed public elementary or secondary school.

(b) Section 545.3571, Transportation Code, as added by Subsection (a) of this section, applies to:

(1) construction of a new public elementary or secondary school scheduled to be completed on or after October 31, 2003; or

(2) a newly constructed public elementary or secondary school to which students are scheduled to begin attending on or after October 31, 2003.

SECTION __. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.168 to read as follows:

Sec. 11.168. NOTICE CONCERNING NEWLY CONSTRUCTED SCHOOL. Not later than the 60th day before the date construction of a new elementary or secondary school is scheduled to be completed or students are scheduled to begin attending a newly constructed elementary or secondary

school, whichever is earlier, the board of trustees of the independent school district in which the new school is located shall provide notice of that scheduled date to the Texas Department of Transportation or the county, municipality, or other local entity that is responsible under Section 545.3571, Transportation Code, for designating crossing zones and school crosswalks for the school and installing official traffic control devices for the designated school crossing zones.

Amendment No. 44 was adopted without objection.

Amendment No. 45

Representative Gallego offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE to the bill and renumbering subsequent ARTICLES appropriately:

ARTICLE ____ . RAIL LINES

SECTION ____ . Section 5, Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, Vernon's Texas Civil Statutes), is amended by adding Subsection (s) to read as follows:

(s) A district may not sell a rail line of the district unless the sale is approved by the Texas Transportation Commission as being consistent with the policies of this Act. The commission by rule shall adopt procedures for applying for and obtaining approval under this subsection.

Amendment No. 45 was adopted without objection.

Amendment No. 46

Representative Gallego offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

On page __, line __ add a new Section to read as follows and renumber accordingly:

SECTION __ . Section 25.07(3), Tax Code, is amended to read as follows:

(3) the property is part of a public transportation facility owned by an incorporated city or town or rural rail transportation district and :

Amendment No. 46 was adopted without objection.

Amendment No. 47

Representatives Wise, Garza, and Alonzo offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following ARTICLE to the bill and renumbering existing ARTICLES of the bill accordingly:

ARTICLE ____ . DRIVER'S LICENSES

SECTION ____ .01. (a) Section 521.142(a), Transportation Code, is amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. The department shall accept as proof of the applicant's identity an identity document that is issued by the government of another country, if that document bears the applicant's

photograph, full name, and date of birth and the government of the other country has established reasonable mechanisms by which the department can verify the identity document. For purposes of this section, an identity document includes a passport, a consular identity document, and a national identity document.

(b) Subsection (a) of this section takes effect September 1, 2003.

(Speaker in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

CSHB 3588 - (consideration continued)

Amendment No. 48

Representatives Hegar and Stick offered the following amendment to Amendment No. 47:

Amend the Wise amendment to **CSHB 3588** at the end of line 17 by adding the following:

On the reverse side of a driver's license, the department shall print the license holder's country of citizenship and indicate the country of citizenship by a uniform symbol or code on the face of the license in the space where the department indicates a restriction or endorsement.

Amendment No. 48 was adopted without objection.

Representative Talton moved to table Amendment No. 47.

A record vote was requested.

The motion to table was lost by (Record 567): 38 Yeas, 99 Nays, 1 Present, not voting.

Yeas — Berman; Bohac; Brown, B.; Brown, F.; Castro; Christian; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Hamric; Harper-Brown; Hartnett; Heflin; Hope; Howard; Hunter; Hupp; Isett; Jones, E.; Keffer, B.; Keffer, J.; Laubenberg; Madden; Marchant; McCall; Olivo; Paxton; Reyna; Riddle; Seaman; Solomons; Talton; Turner; Woolley; Zedler.

Nays — Allen; Alonzo; Bailey; Baxter; Branch; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hardcastle; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Hughes; Jones, D.; Jones, J.; Keel; King; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solis; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Corte; Flynn; Krusee; Miller; Phillips.

STATEMENTS OF VOTE

I was shown voting no on Record No. 567. I intended to vote yes.

Baxter

I was shown voting yes on Record No. 567. I intended to vote no.

F. Brown

I was shown voting yes on Record No. 567. I intended to vote no.

Castro

When Record No. 567 was taken, I was temporarily out of the house chamber. I would have voted yes.

Flynn

I was shown voting no on Record No. 567. I intended to vote yes.

Hilderbran

I was shown voting yes on Record No. 567. I intended to vote no.

Olivio

I was shown voting yes on Record No. 567. I intended to vote no.

Turner

I was shown voting no on Record No. 567. I intended to vote yes.

Wong

Amendment No. 47, as amended, was adopted without objection. (Marchant recorded voting no)

HB 3398 - MOTION TO ADOPT COMMITTEE ON CALENDARS RULE

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **HB 3398**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by noon on Sunday, May 11, 2003.

Sec. 2. (a) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration unless five copies of a completed amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet must include the following:

- (1) amendment text;
- (2) a statewide map if any district changed by the amendment is located in more than one county and a separate map of each divided county in which any district is changed by the proposed amendment; and
- (3) the standard reports generated by the TLC's Redistricting Application (REDAPPL) that provide population, election, and geography analysis.

(b) No proposed amendment, amendment to the amendment, or substitute amendment, is eligible for consideration if any district in the amendment contains parts that are not contiguous.

(c) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if adoption of the amendment would result in any unassigned or overlapping geography in the state plan.

(d) This section supersedes House Rule 11, Section 6, with respect to the number of copies of an amendment, including an original amendment, that must be provided to the chief clerk.

A record vote was requested.

The motion to adopt the committee on calendars rule failed (not receiving the necessary two-thirds vote) by (Record 568): 76 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Krusee; Laubenberg; Madden; Marchant; Mercer; Merritt; Morrison; Mowery; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Coleman; Cook, R.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Ellis; Farabee; Farrar; Flores; Garza; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Laney; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Haggerty.

Absent, Excused — Bonnen; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Bailey; Capelo; Davis, Y.; Edwards; Gallego; Geren; Goodman; Homer; Hunter; Keffer, J.; Luna; McCall; Miller; Puente; Thompson; Turner.

STATEMENTS OF VOTE

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted no.

Capelo

I was shown voting yes on Record No. 568. I intended to vote no.

Chavez

When Record No. 568 was taken, I was temporarily out of the house chamber. I would have voted no.

Gallego

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

When Record No. 568 was taken, I was temporarily out of the house chamber. I would have voted no.

Puente

When Record No. 568 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

J. Keffer on motion of B. Keffer.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Bailey on motion of Hughes.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

A record vote was requested.

Permission to meet was granted by (Record 569): 78 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Elkins; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Krusee; Laubenberg; Luna; Madden; McCall; Mercer; Merritt; Miller; Mowery; Paxton; Phillips; Pitts; Puente; Reyna; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farabee; Farrar; Flores; Gallego; Garza; Giddings; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker(C); Haggerty.

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Casteel; Edwards; Eissler; Ellis; Geren; Guillen; Homer; Hunter; Laney; Marchant; Moreno, P.; Morrison; Quintanilla; Riddle.

STATEMENTS OF VOTE

When Record No. 569 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 569 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting no on Record No. 569. I intended to vote yes.

Wolens

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 7:30 p.m. today, speakers committee room, for a formal meeting.

CSHB 3588 - (consideration continued)

Amendment No. 49

Representatives Corte, Flores, Hamric, Harper-Brown, Hodge, Martinez Fischer, McClendon, Menendez, Mercer, Peña, Pickett, Puente, Raymond, Rodriguez, Solis, Uresti, and Villarreal offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered ARTICLE and SECTIONS to the bill and renumbering subsequent ARTICLES and SECTIONS accordingly:

ARTICLE ____ . MEMBERSHIP OF TEXAS TRANSPORTATION COMMISSION

SECTION ____ .01. Section 201.051(a), Transportation Code, is amended to read as follows:

(a) The Texas Transportation Commission consists of five [~~three~~] members appointed by the governor with the advice and consent of the senate.

SECTION ____ .02. Section 201.052, Transportation Code, is amended to read as follows:

Sec. 201.052. TERMS. Members of the commission serve staggered six-year terms, with the terms of either one or two members [~~one member's term~~] expiring February 1 of each odd-numbered year.

SECTION ____ .03. Promptly after this article takes effect, the governor shall appoint two additional members to the Texas Transportation Commission. Of those members, the governor shall designate one to serve a term expiring February 1, 2007, and one to serve a term expiring February 1, 2009.

Amendment No. 49 was adopted without objection.

Amendment No. 50

Representative Harper-Brown offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) In Article I, on page 19, between lines 5 and 6, insert the following:

(c) The commission may not disburse money out of the state highway fund for the initial construction of a facility of the Trans-Texas Corridor unless the commission finds that the disbursement will reduce traffic congestion to an extent that is comparable to the reduction in traffic congestion that would likely be achieved by spending the same amount of money on the project that is the most reasonable alternative.

(2) In Article 12, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of that article appropriately:

SECTION 12. . . Section 201.601, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The plan must include a component that is not financially constrained and identifies projects designed to relieve congestion. In developing that component of the plan, the department shall seek opinions and assistance from officials who have local responsibility for modes of transportation listed in Subsection (a).

Amendment No. 50 was adopted without objection.

Amendment No. 51

Representative Raymond offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** (Committee printing) as follows:

(1) On page 3, between lines 20 and 21, by inserting:

(3-a) "Facility" does not include a border inspection facility that serves a bridge system that had more than 900,000 commercial border crossings during the state fiscal year ending August 31, 2002.

(2) On page 33, strike lines 13-21 and substitute:

(E) a ferry;

(F) an airport;

(G) a pedestrian or bicycle facility;

(H) an air quality improvement initiative;

(I) a public utility facility; and

(J) if applicable, projects and programs listed in the most recently approved state implementation plan for the area covered by the authority, including an early action compact.

(14-a) "Transportation project" does not include a border inspection facility that serves a bridge system that had more than 900,000 commercial border crossings during the state fiscal year ending August 31, 2002.

Amendment No. 51 was adopted without objection.

Amendment No. 52

Representatives Chavez and Pickett offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

- (1) On page 57, line 16, strike "or".
- (2) On page 57, line 17, between "county" and "that", insert "in this state".
- (3) On page 57, line 27, between "county" and the period, insert:
; or

(3) a county in another state or the United Mexican States if:

(A) each governing body of a political subdivision in which the project will be located agrees to the proposed acquisition, construction, operation, maintenance, expansion, or extension; and

(B) the project will bring significant benefits to the counties in this state that are part of the authority

Amendment No. 52 was adopted without objection.

Amendment No. 53

Representative Dunnam offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered sections in Article 12 and renumbering subsequent sections accordingly:

SECTION 12. _____. Section 545.066(c), Transportation Code, is amended to read as follows:

(c) An offense under this section is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000, except that the offense is:

(1) a Class A misdemeanor if the person causes serious bodily injury to another; or

(2) a state jail felony if the person has been previously convicted under Subdivision (1).

SECTION 12. _____. (a) The change in law made by Section 545.066(c), Transportation Code, as amended by this article, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 53 was adopted without objection.

Amendment No. 54

Representative Thompson offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** as follows:

(1) On page 101, line 11, strike "amount of the final contract price" and substitute "amount, not the exceed one-third of the final contract price,".

(2) On page 136, line 27, and page 137, line 1, strike "amount of the final contract price" and substitute "amount, not to exceed one-third of the final contract price".

(Hegar in the chair)

Representative W. Smith moved to table Amendment No. 54.

A record vote was requested.

The motion to table prevailed by (Record 570): 82 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hope; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; King; Krusee; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Farabee; Farrar; Flores; Gallego; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Hegar(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Garza; Geren; Giddings; Hunter; Moreno, P.; Telford; Turner.

Amendment No. 55

Representative Truitt offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered SECTIONS to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Section 521.121(a), Transportation Code, is amended to read as follows:

(a) The driver's license must include:

(1) a distinguishing number assigned by the department to the license holder;

(2) a color photograph of the entire face of the holder;

(3) the full name, date of birth, and residence address of the holder;

[and]

- (4) a brief description of the holder; and
- (5) a code reflecting the ethnicity of the holder.

SECTION _____. Section 521.142(c), Transportation Code, is amended to read as follows:

- (c) The application must state:
 - (1) the sex of the applicant;
 - (2) the residence address of the applicant;
 - (3) whether the applicant has been licensed to drive a motor vehicle before;
 - (4) if previously licensed, when and by what state or country;
 - (5) whether that license has been suspended or revoked or a license application denied;
 - (6) the date and reason for the suspension, revocation, or denial;
 - (7) whether the applicant is a citizen of the United States; ~~and~~
 - (8) the county of residence of the applicant; and
 - (9) the ethnicity of the applicant.

Amendment No. 55 was adopted.

Amendment No. 56

Representatives Berman, Canales, Casteel, Chavez, Guillen, Haggerty, Hopson, Merritt, Peña, Pickett, Telford, Thompson, and Wise offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered article and sections and renumbering subsequent articles and sections accordingly:

ARTICLE _____. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

SECTION __.01. Chapter 13, Title 112, Revised Statutes, is amended by adding Article 6550c-4 to read as follows:

Art. 6550c-4. BORDER REGION HIGH-SPEED RAIL AUTHORITIES

Sec. 1. DEFINITIONS. In this article:

- (1) "Authority" means a border region high-speed rail authority created under this article.
- (2) "Authority property" means all property an authority owns or leases under a long-term lease.
- (3) "Border region" means the Texas-Louisiana border region or the Texas-Mexico border region, as defined by Section 2056.002, Government Code.
- (4) "Commission" means the Texas Transportation Commission.
- (5) "Department" means the Texas Department of Transportation.
- (6) "High-speed rail" means the rail technology that permits the operation of rolling stock between scheduled stops at speeds greater than 80 miles per hour.
- (7) "High-speed rail facility" means any property necessary for the transportation of passengers and baggage between points in a border region by high-speed rail. The term includes rolling stock, locomotives, stations, parking areas, and rail lines.

(8) "System" means all of the high-speed rail and intermodal facilities leased or owned by or operated on behalf of an authority.

Sec. 2. CREATION OF AUTHORITIES. The commission by order may authorize the creation of an authority in each border region for the purposes of financing, acquiring property for, constructing, maintaining, and operating a high-speed rail system in each border region.

Sec. 3. GOVERNING BODY. (a) The governing body of an authority is a board of directors consisting of representatives of each county in the border region for which the authority is created. The board is composed of 11 members appointed by the governor.

(b) The members of the board shall elect one member as presiding officer. The presiding officer may select another member to preside in the absence of the presiding officer.

(c) The presiding officer shall call at least one meeting of the board each year and may call other meetings as the presiding officer determines are appropriate.

(d) A member of the board is not entitled to compensation for serving as a member but is entitled to reimbursement for reasonable expenses incurred while serving as a member.

(e) The board shall adopt rules for its proceedings and appoint an executive committee. The board may employ and compensate persons to carry out the powers and duties of the authority.

(f) Chapter 171, Local Government Code, applies to a member of the board.

Sec. 4. POWERS AND DUTIES OF AUTHORITY. (a) An authority is a public body and a political subdivision of the state exercising public and essential governmental functions and has all the powers necessary or convenient to carry out the purposes of this article. An authority, in the exercise of powers under this article, is performing only governmental functions and is a governmental unit within the meaning of Chapter 101, Civil Practice and Remedies Code.

(b) An authority is subject every 12th year to review under Chapter 325, Government Code (Texas Sunset Act).

(c) An authority may sue and be sued in all courts, may institute and prosecute suits without giving security for costs, and may appeal from a judgment without giving a supersedeas or cost bond. An action at law or in equity against an authority must be brought in the county in which a principal office of the authority is located, except that in an eminent domain proceeding involving an interest in land, suit must be brought in the county in which the land is located.

(d) An authority may acquire by grant, purchase, gift, devise, lease, or otherwise and may hold, use, sell, lease, or dispose of real and personal property, licenses, patents, rights, and interests necessary, convenient, or useful for the full exercise of its powers.

(e) An authority may acquire, construct, develop, own, operate, and maintain intermodal and high-speed rail facilities to connect political subdivisions in the applicable border region. For this purpose and with the consent of a municipality, county, or other political subdivision, an authority may use streets, alleys, roads, highways, and other public ways of the municipality, county, or

other political subdivision and may relocate, raise, reroute, change the grade of, or alter, at the expense of the authority, the construction of any street, alley, highway, road, railroad, electric lines and facilities, telegraph and telephone properties and facilities, pipelines and facilities, conduits and facilities, and other properties, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, and operation of the system. An authority may not use or alter a road or highway that is part of the state highway system without the permission of the commission or a railroad without permission of the railroad. An authority may acquire by purchase any interest in real property for the acquisition, construction, or operation of a high-speed rail facility on terms and at a price as agreed to between the authority and the owner. The governing body of a municipality, county, other political subdivision, or public agency may convey title or rights and easements to any property needed by an authority to effect its purposes in connection with the acquisition, construction, or operation of the system.

(f) An authority has the right of eminent domain to acquire real property in fee simple or an interest in real property less than fee simple in, on, under, or above land, including an easement, right-of-way, or right of use of airspace or subsurface space. The power of eminent domain under this section does not apply to land under the jurisdiction of the department or a rail line owned by a common carrier or municipality. An authority shall, to the extent possible, use existing rail or intermodal transportation corridors for the alignment of its system. A proceeding for the exercise of the power of eminent domain is begun by the adoption by the board of a resolution declaring the public necessity for the acquisition by an authority of the property or interest described in the resolution and that the acquisition is necessary and proper for the construction, extension, improvement, or development of high-speed rail facilities and is in the public interest. The resolution of an authority is conclusive evidence of the public necessity of the proposed acquisition and that the real or personal property or interest in property is necessary for public use.

(g) With the consent of the property owner, instead of paying for real property with a single fixed payment, an authority may pay the owner in the form of:

(1) an intangible legal right to receive a percentage of identified fees related to the applicable segment of the system; or

(2) an exclusive or nonexclusive right to use or operate a part of the system.

(h) An authority may make agreements with a public utility, private utility, communication system, common carrier, state agency, or transportation system for the joint use of facilities, installations, or properties inside or outside the border region and establish through routes and joint fares.

(i) An authority may adopt rules to govern the operation of the authority, its employees, the system, service provided by the authority, and any other necessary matter concerning its purposes, including rules relating to health, safety, alcohol

or beverage service, food service, and telephone and utility services, to protect the health, safety, and general welfare of residents of the border region and people who use the authority's services.

(j) An authority may enter into a joint ownership agreement with any person.

(k) An authority shall establish and maintain rates or other compensation for the use of the facilities of the system acquired, constructed, operated, regulated, or maintained by the authority that is reasonable and nondiscriminatory and, together with grants received by the authority, is sufficient to produce revenues adequate:

(1) to pay all expenses necessary for the operation and maintenance of the properties and facilities of the authority;

(2) to pay the interest on and principal of bonds issued by the authority and payable in whole or in part from the revenues, as they become due and payable; and

(3) to comply with the terms of an agreement made with the holders of bonds or with any person in their behalf.

(l) An authority may make contracts, leases, and agreements with, and accept grants and loans from, the United States, this state, agencies and political subdivisions of this state, and other persons and entities and may perform any act necessary for the full exercise of the powers vested in it. The commission may enter into an interlocal agreement with an authority under which the authority may exercise a power or duty of the commission for the development and efficient operation of an intermodal corridor in the border region. An authority may acquire rolling stock or other property under conditional sales contracts, leases, equipment trust certificates, or any other form of contract or trust agreement. A revenue bond indenture may limit the exercise of the powers granted by this section, and a limit applies as long as the revenue bonds issued under the indenture are outstanding and unpaid.

(m) An authority by resolution may adopt rules governing the use, operation, and maintenance of the system and may determine or change a routing as the board considers advisable.

(n) An authority may lease all or part of the high-speed rail facilities to, or contract for the use or operation of all or part of the high-speed rail facilities by, an operator. An authority shall encourage to the maximum extent practicable the participation of private enterprise in the operation of high-speed rail facilities. The term of an operating contract under this subsection may not exceed 20 years.

(o) An authority may contract with a county or other political subdivision of this state for the authority to provide high-speed rail transportation services to an area outside the border region on the terms and conditions agreed to by the parties.

(p) An authority may purchase an additional insured provision to any liability insurance contract.

(q) Before beginning the operation of high-speed rail facilities, the board shall adopt an annual operating budget specifying the anticipated revenues and expenses of the authority for the remainder of the fiscal year. Each year the board

shall adopt an operating budget for the authority. The fiscal year of an authority ends September 30 unless changed by the board. The board shall hold a public hearing before adopting a budget other than the initial budget. Notice of each hearing must be published at least seven days before the date of the hearing in a newspaper of general circulation in each county in the applicable border region. A budget may be amended at any time if notice of the proposed amendment is given in the notice of the meeting at which the amendment will be considered. An expenditure that is not budgeted may not be made.

(r) An authority is eligible to participate in the Texas County and District Retirement System.

(s) The board shall by resolution name one or more banks for the deposit of authority funds. Authority funds are public funds and may be invested in securities permitted by Chapter 2256, Government Code. To the extent funds of an authority are not insured by the Federal Deposit Insurance Corporation or its successor, they shall be collateralized in the manner provided for county funds.

(t) To provide tax benefits to another party that are available with respect to property under the laws of a foreign country or to encourage private investment with a transportation authority in the United States, and notwithstanding any other provision of this article, an authority may enter into and execute, as it considers appropriate, contracts, agreements, notes, security agreements, conveyances, bills of sale, deeds, leases as lessee or lessor, and currency hedges, swap transactions, or agreements relating to foreign and domestic currency. The agreements or instruments may have the terms, maturities, duration, provisions as to governing law, indemnities, and other provisions that are approved by the board. In connection with any transaction authorized by this subsection, the authority shall deposit in trust, escrow, or similar arrangement cash or lawful investments or securities, or shall enter into one or more payment agreements, financial guarantees, or insurance contracts with counterparties having either a corporate credit or debt rating in any form, a claims-paying ability, or a rating for financial strength of "AA" or better by Moody's Investors Service, Inc., or by Standard & Poor's Corporation or "A-" or better by Best's rating system that, by their terms, including interest to be earned on any cash or securities, are sufficient in amount to pay when due all amounts required to be paid by the authority as rent over the full term of the transaction plus any optional purchase price due under the transaction. A certification in advance by an independent financial expert, banker, or certified public accountant, who is not an employee of the authority, certifying compliance with this requirement constitutes conclusive evidence of compliance. Property sold, acquired, or otherwise transferred under this subsection is considered for all purposes to be property owned and held by the authority and used for public purposes.

Sec. 5. BONDS AND NOTES. (a) An authority may issue revenue bonds and notes in amounts the board considers necessary or appropriate for the acquisition, purchase, construction, reconstruction, repair, equipping, improvement, or extension of the authority's high-speed rail facilities. A bond or note is fully negotiable and may be made redeemable before maturity, at the

option of the authority and at the price and under the terms the board determines in the resolution authorizing the bond or note and may be sold at public or private sale, as the board determines.

(b) An authority shall submit all bonds and notes and the record of proceedings relating to their issuance to the attorney general for examination before delivery. If the attorney general determines that they have been issued in accordance with the constitution and this article and that they will be binding obligations of the authority, the attorney general shall approve them, and the comptroller shall register them. A bond or note issued under this article is incontestable after approval, registration, and sale and delivery of the bond or note to the purchaser.

(c) To secure the payment of the bond or note, an authority may encumber and pledge all or any part of the revenues of its high-speed rail facilities, may mortgage and encumber all or part of the property of the high-speed rail facilities and any thing pertaining to them that is acquired or to be acquired, and may prescribe the terms and provisions of the bond or note in any manner not inconsistent with this article. If not prohibited by the resolution or indenture relating to outstanding bonds or notes, an authority may encumber separately any item of real or personal property.

(d) A bond or note is a legal and authorized investment for banks, trust companies, savings and loan associations, and insurance companies. The bond or note is eligible to secure the deposit of public funds of this state or a municipality, county, school district, or other political corporation or subdivision of this state. The bond or note is lawful and sufficient security for the deposits to the extent of the principal amount or market value of the bond or note, whichever is less.

Sec. 6. COMPETITIVE BIDS. A contract in the amount of more than \$15,000 for the construction of improvements or the purchase of material, machinery, equipment, supplies, or any other property other than real property may be let only on competitive bids after notice published, at least 15 days before the date set for receiving bids, in a newspaper of general circulation in each county in the applicable border region. The board may adopt rules governing the taking of bids and the awarding of contracts. This section does not apply to:

- (1) personal or professional services;
- (2) the acquisition of an existing rail transportation system; or
- (3) a contract with a common carrier to construct lines or to operate high-speed rail service on lines owned in whole or in part by the carrier.

Sec. 7. EXEMPTION FROM TAXES. The property, material purchases, revenues, and income of an authority and the interest on a bond or note issued by an authority are exempt from all taxes imposed by this state or a political subdivision of this state.

(b) The comptroller shall administer, collect, and enforce a tax imposed under this article. Chapter 321, Tax Code, governs the computation, administration, governance, and use of the tax except as inconsistent with this article.

(c) An authority shall notify the comptroller in writing by registered or certified mail of the authority's creation and of its intent to impose the sales and use tax under this article. The authority shall provide to the comptroller all information required to implement the tax, including:

(1) an adequate map showing the property boundaries of the authority;
and
(2) a certified copy of the resolution of the authority board adopting the tax.

(d) Not later than the 30th day after the date the comptroller receives the notice, map, and other information, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax.

(e) At the same time an authority notifies the comptroller under Subsection (c) of this section, the authority shall notify each affected local governmental unit of the authority's creation and provide each with an adequate map showing the property boundaries of the authority.

(f) Not later than the 30th day after the date an authority adds territory to the authority, the authority shall notify the comptroller and each affected local governmental unit of the addition. The authority must include with each notification an adequate map showing the new boundaries of the authority and the date the additional territory was added. Not later than the 30th day after the date the comptroller receives the notice under this subsection, the comptroller shall inform the authority of whether the comptroller is prepared to administer the tax in the additional territory.

(g) A tax imposed under this section or the abolition of a tax under Subsection (a) of this section takes effect on the first day of the first complete calendar quarter that occurs after the expiration of the first complete calendar quarter that occurs after the date the comptroller receives a notice of the action as required by this section.

SECTION __.02. Not later than September 1, 2004, the Texas Transportation Commission shall create the border region high-speed rail authorities as required by this Act.

Amendment No. 56 was adopted.

Amendment No. 57

Representatives Keel and Talton offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following ARTICLES and SECTIONS to read as follows and renumbering existing ARTICLES accordingly:

ARTICLE __. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION OF CERTAIN OFFENSES

SECTION __.01. Article 45.051, Code of Criminal Procedure, is amended to read as follows:

Art. 45.051. SUSPENSION OF SENTENCE AND DEFERRAL OF FINAL DISPOSITION. (a) On a plea of guilty or nolo contendere by a defendant or on a finding of guilt in a misdemeanor case punishable by fine only and payment of all court costs, the judge [justice] may, at the judge's discretion, defer

further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days. An order of deferral under this subsection terminates any liability under a bail bond or an appearance bond given for the charge.

(b) During the deferral period, the judge ~~[justice]~~ may, at the judge's discretion, require the defendant to:

(1) post a bond in the amount of the fine assessed to secure payment of the fine;

(2) pay restitution to the victim of the offense in an amount not to exceed the fine assessed;

(3) submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) participate in an alcohol or drug abuse treatment or education program;

(7) pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs; ~~[and]~~

(8) complete a driving safety course approved under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) or another course as directed by the judge;

(9) present to the court satisfactory evidence that the defendant has complied with each requirement imposed by the judge under this article; and

(10) comply with any other reasonable condition.

(c) On determining that ~~[At the conclusion of the deferral period, if]~~ the defendant ~~[presents satisfactory evidence that he]~~ has complied with the requirements imposed by the judge under this article, the judge ~~[justice]~~ shall dismiss the complaint, and it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction. ~~[Otherwise, the justice may proceed with an adjudication of guilt. After an adjudication of guilt, the justice may reduce the fine assessed or may then impose the fine assessed, less any portion of the assessed fine that has been paid.]~~ If the complaint is dismissed, a special expense not to exceed the amount of the fine assessed may be imposed. Other than an offense under Section 545.413, Transportation Code, this subsection does not apply to an offense involving the operation of a motor vehicle.

(c-1) This subsection applies only to an offense involving the operation of a motor vehicle, other than an offense under Section 545.413, Transportation Code. At the conclusion of the deferral period, if the defendant presents satisfactory evidence that the defendant has complied with the requirements imposed, the justice shall proceed with an adjudication of guilt but may not impose the fine assessed or a reduced fine.

(d) If by ~~[at]~~ the conclusion of the deferral period the defendant does not present satisfactory evidence that the defendant complied with the requirements imposed, the judge ~~[justice]~~ may impose the fine assessed or impose a lesser fine. The imposition of the fine or lesser fine constitutes a final conviction of the defendant.

(e) Records relating to a complaint dismissed as provided by this article may be expunged under Article 55.01 ~~[of this code]~~. If a complaint is dismissed under this article, there is not a final conviction and the complaint may not be used against the person for any purpose.

(f) This article does not apply to:

(1) an offense to which Section 542.404 or 729.004(b), Transportation Code, applies; or

(2) a traffic offense committed by a person who holds a commercial driver's license.

SECTION __.02. Article 45.0511, Code of Criminal Procedure, is amended to read as follows:

Art. 45.0511. DRIVING SAFETY COURSE OR MOTORCYCLE OPERATOR COURSE DISMISSAL ~~[DEFERRED DISPOSITION]~~ PROCEDURES ~~[APPLICABLE TO TRAFFIC OFFENSES]~~. (a) This article applies only to an alleged offense that:

(1) is within the jurisdiction of a justice court or a municipal court;

(2) involves ~~[involving]~~ the operation of a motor vehicle; and

(3) is ~~[other than a commercial motor vehicle, as]~~ defined by:

(A) Section 472.022 ~~[522.003]~~, Transportation Code;

(B) Subtitle C, Title 7, Transportation Code; or

(C) Section 729.001(a)(3), Transportation Code ~~[, and supplements Article 45.051].~~

(b) The judge ~~[During the deferral period under Article 45.051, the justice:~~ ~~[4]]~~ shall require the defendant to successfully complete a driving safety course approved by the Texas Education Agency or a course under the motorcycle operator training and safety program approved by the designated state agency under Chapter 662, Transportation Code, if:

(1) the defendant elects driving safety course or motorcycle operator training course dismissal under this article;

(2) ~~[deferred disposition and]~~ the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the ~~[preceding]~~ 12 months preceding the date of the offense;

(3) ~~[and~~

~~(2) may require the defendant to successfully complete a driving safety course approved by the Texas Education Agency if the defendant has completed an approved driving safety course within the preceding 12 months.~~

[(e) Subsection (b)(1) applies only if:

~~[(4)]~~ the defendant ~~[person]~~ enters a plea under Article 45.021 in person or in writing of no contest or guilty on or ~~[and,]~~ before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a ~~[an oral or written]~~ request to take a course; or

(B) sends to the court by certified mail, return receipt requested, postmarked on or before the answer date on the notice to appear, a written request to take a course;

~~(4) [(2) the court enters judgment on the person's plea of no contest or guilty at the time the plea is made but defers imposition of the judgment for 180 days;~~

~~[(3)]~~ the defendant ~~[person]~~ has a valid Texas driver's license or permit;

~~(5) [(4)]~~ the defendant ~~[person]~~ is charged with an offense to which this article applies, other than speeding 25 miles per hour or more over the posted speed limit; and

~~(6) [(5)]~~ the defendant ~~[person]~~ provides evidence of financial responsibility as required by Chapter 601, Transportation Code[;]

~~[(6) the defendant's driving record as maintained by the Texas Department of Public Safety shows the defendant has not completed an approved driving safety course or motorcycle operator training course, as appropriate, within the 12 months preceding the date of the offense; and~~

~~[(7) the defendant files an affidavit with the court stating that the person is not taking a course under this section and has not completed a course that is not shown on the person's driving record within the 12 months preceding the date of the offense].~~

(c) The court shall enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved driving safety course or motorcycle operator training course and present to the court:

(1) a uniform certificate of completion of the driving safety course or a verification of completion of the motorcycle operator training course;

(2) the defendant's driving record as maintained by the Department of Public Safety showing that the defendant had not completed an approved driving safety course or motorcycle operator training course, as applicable, within the 12 months preceding the date of the offense; and

(3) an affidavit stating that the defendant was not taking a driving safety course or motorcycle operator training course, as applicable, under this article on the date the request to take the course was made and had not completed such a course that is not shown on the defendant's driving record within the 12 months preceding the date of the offense.

(d) Notwithstanding Subsections (b)(2) and (3), [Subsection (c)(1), on a written motion submitted to the court] before the final disposition of the case, the court may grant a request to take a driving safety course or a motorcycle operator training course under this article.

(e) A request to take a driving safety course made at or before the time and at the place at which a defendant ~~[person]~~ is required to appear in court is an appearance in compliance with the defendant's ~~[person's]~~ promise to appear.

(f) In addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, the ~~[The]~~ court may:

(1) require a defendant [person] requesting a [driving safety] course under Subsection (b) to pay an administrative [a] fee set by the court to cover the cost of administering this article at an amount of not more than \$10; or

(2) require a defendant requesting a course under Subsection (d) to pay a fee set by the court at an amount not to exceed the maximum amount of the fine for the offense committed by the defendant[, including any other fee authorized by statute or municipal ordinance, to cover the cost of administering this article].

(g) A defendant [person] who requests but does not take a course is not entitled to a refund of the fee.

(h) Fees collected by a municipal court shall be deposited in the municipal treasury. Fees collected by another court shall be deposited in the county treasury of the county in which the court is located.

(i) If a defendant [person] requesting a [driving safety] course under this article fails to comply with Subsection (c) [furnish evidence of the successful completion of the course to the court], the court shall:

(1) notify the defendant [person] in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and

(2) require the defendant [person] to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(j) If the defendant [A person who] fails to appear at the time and place stated in the notice under Subsection (i), or appears at the time and place stated in the notice but does not show good cause for the defendant's failure to comply with Subsection (c), the court shall enter an adjudication of guilt and impose sentence [commits a misdemeanor punishable as provided by Section 543.009, Transportation Code].

(k) On a defendant's [person's] showing of good cause for failure to furnish evidence to the court, the court may allow an extension of time during which the defendant [person] may present:

(1) a uniform certificate of course completion as evidence that the defendant [person] successfully completed the driving safety course; or

(2) a verification of course completion as evidence that the defendant successfully completed the motorcycle operator training course.

(l) When a defendant [person] complies with Subsection (c) [(b) and a uniform certificate of course completion is accepted by the court], the court shall:

(1) proceed with an adjudication of guilt, but may not impose the fine assessed or a reduced fine [remove the judgment and dismiss the charge];

(2) report the fact that the defendant [person] successfully completed a driving safety course or a motorcycle operator training course and the date of completion to the Texas Department of Public Safety for inclusion in the person's driving record; and

(3) state in that [this] report whether the course was taken under [the procedure provided by] this article to provide information necessary to determine eligibility to take a subsequent course under Subsection (b).

(m) If the defendant is charged with more than one offense, the defendant may complete a driving safety course in connection with only one of the charges ~~[The court may dismiss only one charge for each completion of a course].~~

(n) ~~[A charge that is dismissed under this article may not be part of a person's driving record or used for any purpose.]~~

~~[(p)]~~ An insurer delivering or issuing for delivery a motor vehicle insurance policy in this state may not cancel or increase the premium charged an insured under the policy because the court proceeded with an adjudication of guilt under Subsection(1)(1) or because the insured completed a driving safety course or a motorcycle operator training course, ~~[or had a charge dismissed]~~ under this article.

~~(o) [(p)]~~ The court shall advise a defendant ~~[person]~~ charged with a misdemeanor under Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's ~~[person's]~~ right under this article to successfully complete a driving safety course or, if the offense was committed while operating a motorcycle, a motorcycle operator training course. The right to complete a course does not apply to a defendant ~~[person]~~ charged with:

(1) a violation of Section 545.066, ~~[545.401, 545.421,]~~ 550.022, or 550.023, Transportation Code; or

(2) an offense to which ~~[serious traffic violation as defined by]~~ Section 542.404 or 729.004(b) ~~[522.003]~~, Transportation Code, applies.

~~(p) [(q)]~~ A notice to appear issued for an offense to which this article applies must inform a defendant charged with an offense under Section 472.022, Transportation Code, an offense under Subtitle C, Title 7, Transportation Code, or an offense under Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle of the defendant's right to complete a driving safety course or, if the offense was committed while operating a motorcycle, of the defendant's right to complete a motorcycle operator training course. The notice required by this subsection must read substantially as follows:

"You may be able to require that this charge be dismissed by successfully completing a driving safety course or a motorcycle operator training course. You will lose that right if, on or before your appearance date, you do not provide the court with notice of your request to take the course."

(q) If the notice required by Subsection (p) is not provided to the defendant charged with the offense, the defendant may continue to exercise the defendant's right to take a driving safety course or a motorcycle operator training course until the notice required by Subsection (p) is provided to the defendant or there is a final disposition of the case.

(r) This article does not apply to an offense committed by a person who holds a commercial driver's license.

(s) An order of deferral under Subsection (c) terminates any liability under a bail bond or appearance bond given for the charge. ~~[Nothing in this article shall prevent a court from assessing a special expense for deferred disposition in the~~

~~same manner as provided by Article 45.051. For a deferred disposition under Subsection (b)(1), the court may only collect a fee of not more than \$10 in addition to any applicable court cost.]~~

SECTION __.03. Subsection (f), Section 472.022, Transportation Code, is amended to read as follows:

(f) Articles 45.051 and 45.0511 ~~[Article 45.54]~~, Code of Criminal Procedure, do ~~[does]~~ not apply to an offense under this section committed in a construction or maintenance work zone when workers are present.

SECTION __.04. The following laws are repealed:

(1) Section 543.101, Transportation Code; and

(2) Section 543.117, Transportation Code.

SECTION __.05. (a) This article takes effect September 1, 2003.

(b) Articles 45.051 and 45.0511, Code of Criminal Procedure, as amended by this article, apply only to an offense committed on or after September 1, 2003.

(c) An offense committed before September 1, 2003, is covered by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

ARTICLE __. DRIVER'S LICENSES

SECTION __.01. Section 521.292, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of Subsections (a)(3), (7), or (9), and (b), an adjudication of guilt under Article 45.051(c-1), Code of Criminal Procedure, is not a conviction.

ARTICLE __. COMMERCIAL DRIVER'S LICENSES

SECTION __.01. Section 522.003(25), Transportation Code, is amended to read as follows:

(25) "Serious traffic violation" means:

(A) a conviction arising from the driving of a ~~[commercial]~~ motor vehicle, other than a parking, vehicle weight, or vehicle defect violation, for:

(i) [(A)] excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;

(ii) [(B)] reckless driving, as defined by state or local law;

(iii) [(C)] a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal accident;

(iv) [(D)] improper or erratic traffic lane change;

(v) [(E)] following the vehicle ahead too closely; or

(vi) [(F)] ~~operating~~ a ~~[commercial motor vehicle in]~~ violation of Section 522.011; or

(B) a violation of Section [or] 522.015.

SECTION __.02. Section 522.081, Transportation Code, is amended to read as follows:

Sec. 522.081. DISQUALIFICATION. (a) This subsection applies ~~[only]~~ to a violation committed while operating any motor vehicle, including a commercial motor vehicle. A person who holds a commercial driver's license is disqualified from driving a commercial motor vehicle for:

(1) 60 days if convicted of:

(A) two serious traffic violations that occur within a three-year period; or

(B) one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing; or

(2) 120 days if convicted of:

(A) three serious traffic violations arising from separate incidents occurring within a three-year period; or

(B) two violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period~~]; or~~

~~[(3) one year if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period].~~

(b) This subsection applies to a violation committed while operating any motor vehicle, including a commercial motor vehicle, except as provided by this subsection. A person who holds a commercial driver's license is disqualified from driving a commercial motor vehicle for one year;

(1) if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period;

(2) on first conviction of:

(A) [(4)] driving a [commercial] motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04 or 49.07, Penal Code;

(B) [(2) driving a commercial motor vehicle while the person's alcohol concentration was 0.04 or more;

[(3) intentionally] leaving the scene of an accident involving a [commercial] motor vehicle driven by the person;

(C) [(4)] using a [commercial] motor vehicle in the commission of a felony, other than a felony described by Subsection (d)(2);

(D) [(5) refusing to submit to a test to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while driving a commercial motor vehicle;

[(6)] causing the death of another person through the negligent or criminal operation of a [commercial] motor vehicle; or

(E) [(7)] driving a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle;

(3) for refusing to submit to a test under Chapter 724 to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place; or

(4) if an analysis of the person's blood, breath, or urine under Chapter 724 determines that the person:

(A) had an alcohol concentration of 0.04 or more, or that a controlled substance or drug was present in the person's body, while operating a commercial motor vehicle in a public place; or

(B) had an alcohol concentration of 0.08 or more while operating a motor vehicle, other than a commercial motor vehicle, in a public place.

(c) A person who holds a commercial driver's license is disqualified from operating a commercial motor vehicle for three years if:

(1) the person:

(A) is convicted of an offense [~~if a violation~~] listed in Subsection (b)(2) and the vehicle being operated by the person was transporting a hazardous material required to be placarded; or

(B) refuses to submit to a test under Chapter 724 to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while operating a motor vehicle in a public place and the vehicle being operated by the person was transporting a hazardous material required to be placarded; or

(2) an analysis of the person's blood, breath, or urine under Chapter 724 determines that while transporting a hazardous material required to be placarded the person:

(A) while operating a commercial motor vehicle in a public place had an alcohol concentration of 0.04 or more, or a controlled substance or drug present in the person's body; or

(B) while operating a motor vehicle, other than a commercial motor vehicle, in a public place had an alcohol concentration of 0.08 or more [~~(b) occurred while the person was transporting a hazardous material required to be placarded, the person is disqualified for three years~~].

(d) A person is disqualified from driving a commercial motor vehicle for life:

(1) if the person [:

[~~(4)~~] is convicted [~~of~~] two or more times [~~violations~~] of an offense specified by Subsection (b)(2) [~~(b)~~], or a combination of those offenses, arising from two or more separate incidents; [~~or~~]

(2) if the person uses a [~~commercial~~] motor vehicle in the commission of a felony involving:

(A) the manufacture, distribution, or dispensing of a controlled substance; or

(B) possession with intent to manufacture, distribute, or dispense a controlled substance; or

(3) for any combination of two or more of the following, arising from two or more separate incidents:

(A) a conviction of the person for an offense described by Subsection (b)(2);

(B) a refusal by the person described by Subsection (b)(3); and

(C) an analysis of the person's blood, breath, or urine described by Subsection (b)(4).

(e) A person may not be issued a commercial driver's license if, in connection with the person's operation of a commercial motor vehicle, the person commits an offense or engages in conduct that would disqualify the holder of a commercial driver's license from operating a commercial motor vehicle, or is determined to have had an alcohol concentration of 0.04 or more or to have had a controlled substance or drug present in the person's body. The period of prohibition under this subsection is equal to the appropriate period of disqualification required by Subsections (a)-(d).

(f) In this section, "felony" means an offense under state or federal law that is punishable by death or imprisonment for a term of more than one year.

SECTION __.03. Section 522.087, Transportation Code, is amended to read as follows:

Sec. 522.087. PROCEDURES APPLICABLE TO DISQUALIFICATION.

(a) A person is automatically disqualified under Section 522.081(a)(1)(B), Section 522.081(b)(2) [~~522.081(b)(1), (3), (4), (6), or (7)~~], or Section 522.081(d)(2). An appeal may not be taken from the disqualification.

(b) Disqualifying a person under Section 522.081(a), other than under Subdivision (1)(B) of that subsection, Section 522.081(b)(1), or Section 522.081(d)(1) or (3) is subject to the notice and hearing procedures of Sections 521.295-521.303. An appeal of the disqualification is subject to Section 521.308.

SECTION __.04. (a) This article takes effect September 1, 2003.

(b) Sections 522.081 and 522.087, Transportation Code, as amended by this article, apply only to conduct that is engaged in or to an offense that is committed on or after the effective date of this article. Conduct that is engaged in or an offense committed before the effective date of this article is governed by Sections 522.081 and 522.087, Transportation Code, as those sections existed immediately before the effective date of this article, and the former law is continued in effect for that purpose.

Amendment No. 58

Representatives Keel and Talton offered the following amendment to Amendment No. 57:

Amend **CSHB 3588** in Article 5 of the bill, on page 118, between lines 6 and 7, by inserting the following:

(d) Notwithstanding Subsection (b), the department may not assign points to a person's license if the offense committed by the person was adjudicated under Article 45.051(c-1) or 45.0511(1) (1), Code of Criminal Procedure.

Amendment No. 58 was adopted without objection.

Amendment No. 57, as amended, was adopted without objection.

Amendment No. 59

Representative Villarreal offered the following amendment to **CSHB 3588**:

Amend **CSHB 3588** by adding the following appropriately numbered article and sections and renumber subsequent articles appropriately:

ARTICLE _____. HIGHWAY BEAUTIFICATION FEE

SECTION _____. Section 391.063, Transportation Code, is amended to read as follows:

Sec. 391.063. LICENSE FEE AND HIGHWAY BEAUTIFICATION FEE.

(a) The commission may set the amount of a license fee according to a scale graduated by the number of units of outdoor advertising owned by a license applicant.

(b) In addition to the fee under Subsection (a), the department shall collect from each license applicant an additional fee of \$11, of which:

(1) \$9 shall be used by the department only to assist owners of outdoor advertising in relocating outdoor advertising required to be removed or relocated under this chapter; and

(2) \$2 shall be used by the department for landscaping highways that are part of the interstate or primary system.

SECTION _____. Section 394.025, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) In addition to the fee under Subsection (a), the department shall collect from each permit applicant an additional fee of \$11, of which:

(1) \$9 shall be used by the department only to assist owners of off-premise signs in relocating signs required to be relocated or removed under this chapter; and

(2) \$2 shall be used by the department for landscaping rural roads as defined by Section 394.002 that are under the jurisdiction of this state.

SECTION _____. This article applies only to an application for a permit or permit renewal for outdoor advertising or an off-premise sign received by the Texas Department of Transportation on or after the effective date of this Act. An application received before the effective date of this Act is covered by the law in effect on the date the application was received, and the former law is continued in effect for that purpose.

Amendment No. 59 was adopted.

(Speaker in the chair)

CSHB 3588, as amended, was passed to engrossment. (Puente recorded voting no)

**HB 5 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS**

Representative Grusendorf called up with senate amendments for consideration at this time,

HB 5, A bill to be entitled an Act relating to public school finance, a state ad valorem tax, state general sales and use taxes, state taxes on sale or use of a motor vehicle, and property tax relief for residential tenants.

Representative Grusendorf moved that the house not concur in the senate amendments on **HB 5**.

The motion prevailed without objection.

HB 3398 - COMMITTEE ON CALENDARS RULE ADOPTED

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **HB 3398**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by noon on Sunday, May 11, 2003.

Sec. 2. (a) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration unless five copies of a completed amendment packet prepared by the Texas Legislative Council (TLC) has been submitted to the chief clerk. The amendment packet must include the following:

- (1) amendment text;
- (2) a statewide map if any district changed by the amendment is located in more than one county and a separate map of each divided county in which any district is changed by the proposed amendment; and
- (3) the standard reports generated by the TLC's Redistricting Application (REDAPPL) that provide population, election, and geography analysis.

(b) No proposed amendment, amendment to the amendment, or substitute amendment, is eligible for consideration if any district in the amendment contains parts that are not contiguous.

(c) No proposed amendment, amendment to the amendment, or substitute amendment is eligible for consideration if adoption of the amendment would result in any unassigned or overlapping geography in the state plan.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

(Laubenberg in the chair)

SB 825 ON SECOND READING

(Keel - House Sponsor)

SB 825, A bill to be entitled An Act relating to the prosecution of the offense of sexual assault committed against residents of certain facilities.

SB 825 was considered in lieu of **HB 1425**.

SB 825 was read second time and was passed to third reading.

HB 1425 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **HB 1425** on the table subject to call.

The motion prevailed without objection.

CSSB 827 ON SECOND READING
(Keel - House Sponsor)

CSSB 827, A bill to be entitled An Act relating to creating offenses for abandoning or endangering an elderly individual or disabled individual and for failing to provide certain care for a child, elderly individual, or disabled individual.

CSSB 827 was considered in lieu of **HB 1426**.

CSSB 827 was read second time and was passed to third reading.

HB 1426 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **HB 1426** on the table subject to call.

The motion prevailed without objection.

SB 1800 ON SECOND READING
(Corte and Gutierrez - House Sponsors)

SB 1800, A bill to be entitled An Act relating to state employee military leave.

SB 1800 was considered in lieu of **CSHB 3361**.

SB 1800 was read second time and was passed to third reading.

CSHB 3361 - LAID ON THE TABLE SUBJECT TO CALL

Representative Corte moved to lay **CSHB 3361** on the table subject to call.

The motion prevailed without objection.

CSHB 1407 ON SECOND READING
(by Hupp)

CSHB 1407, A bill to be entitled An Act relating to the exhibition and regulation of amusement redemption machines by certain nonprofit organizations and others where approved by local option.

CSHB 1407 was read second time on May 8 and was postponed until 2 p.m. today.

Representative Hartnett moved to table **CSHB 1407**.

The motion to table was withdrawn.

Amendment No. 1

Representative Hupp offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** (House Committee Report) as follows:

(1) On page 1, lines 13 and 14, strike "or a representation of value redeemable for a prize.".

(2) On page 1, line 19, strike ", or a representation of value redeemable for a prize.".

(3) On page 2, strike lines 9 through 11.

(4) On page 2, line 12, strike "(7)" and substitute "(6)".

(5) On page 13, lines 19 and 20, strike ", or a representation of value redeemable for those items,".

(6) On page 13, lines 26 and 27, strike ", or a representation of value redeemable for those items," and substitute "[, or a representation of value redeemable for those items,]".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hupp offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** (House Committee Report) as follows:

(1) On page 2, strike lines 15 through 17 and substitute the following:
Sec. 2153.502. REGULATORY AUTHORITY. (a) The Texas Lottery Commission shall adopt rules for regulating the exhibition, display, and promotion of amusement redemption machines.

(2) On page 2, line 24, strike "the comptroller or".

(3) On page 2, line 25, strike "comptroller" and substitute "Texas Lottery Commission".

(4) On page 2, line 27, strike "comptroller" and substitute "Texas Lottery Commission".

(5) On page 10, line 18, immediately after "comptroller", insert "and the Texas Lottery Commission".

(6) On page 11, line 15, immediately after "comptroller", insert "and the Texas Lottery Commission".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hupp offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** (House Committee Report) as follows:

(1) On page 2, lines 5 and 6, strike ", justice precinct,".

(2) On page 7, line 14, strike "(a)".

(3) On page 7, lines 15 and 16, strike ", justice precinct,".

(4) On page 7, strike lines 22 and 23.

(5) On page 9, line 9, strike "or justice precinct".

(6) Strike page 11, line 26, through page 12, line 8, and substitute "are of no consequence, and the status of an area as determined by a municipal election prevails over a contrary status as determined by a county election,".

(7) On page 12, line 9, strike "(i)" and substitute "(h)".

(8) On page 12, strike lines 18 through 20.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Hupp offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** (House Committee Report) as follows:

(1) Strike page 6, line 22, through page 7, line 4.

(2) In SECTION 1 of the bill, renumber subsequent sections of added Subchapter K, Chapter 2153, Occupations Code, accordingly.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative McReynolds offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** (House Committee Report) as follows:

(1) Strike page 5, line 6, through page 6, line 9.

(2) In SECTION 1 of the bill, renumber subsequent sections of added Subchapter K, Chapter 2153, Occupations Code, accordingly.

Amendment No. 5 was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Lewis.

Luna on motion of Lewis.

Pitts on motion of Lewis.

Wohlgemuth on motion of Lewis.

The following member was granted leave of absence for the remainder of today because of important business:

Turner on motion of Giddings.

CSHB 1407 - (consideration continued)

Amendment No. 6

Representative Hartnett offered the following amendment to **CSHB 1407**:

Amend **CSHB 1407** by striking "amusement redemption machine" throughout the bill and inserting "gambling machine" in its place.

Representative Hupp moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 571): 66 Yeas, 59 Nays, 1 Present, not voting.

Yeas — Alonzo; Burnam; Canales; Capelo; Casteel; Castro; Chavez; Coleman; Cook, B.; Cook, R.; Crownover; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Gallego; Garza; Geren; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hardcastle; Hochberg; Hodge; Hope; Hopson; Hupp; Jones, D.; Jones, J.; Keel; Lewis; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, J.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Smith, W.; Solis; Stick; Telford; Thompson; Uresti; Villarreal; Wise.

Nays — Allen; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Christian; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Ellis; Flynn; Gattis; Goodman; Hamric; Harper-Brown; Hartnett; Hilderbran; Hill; Howard; Hughes; Isett; Keffer, B.; King; Krusee; Laney; Laubenberg(C); Madden; Marchant; McCall; Mercer; Miller; Morrison; Mowery; Paxton; Phillips; Reyna; Riddle; Ritter; Seaman; Smith, T.; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wilson; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Turner.

Absent, Excused, Committee Meeting — Heflin; Luna; Pitts; Wohlgemuth.

Absent — Baxter; Branch; Giddings; Goolsby; Hegar; Homer; Hunter; Jones, E.; Moreno, P.; Wolens.

(Bonnen, Heflin, Luna, Pitts, and Wohlgemuth now present)

(Speaker in the chair)

A record vote was requested.

CSHB 1407, as amended, failed to pass to engrossment by (Record 572): 37 Yeas, 86 Nays, 2 Present, not voting.

Yeas — Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Elkins; Flores; Geren; Giddings; Grusendorf; Guillen; Gutierrez; Haggerty; Hardcastle; Hochberg; Hodge; Hupp; Jones, E.; Keel; Lewis; McClendon; Menendez; Merritt; Naishtat; Pickett; Quintanilla; Raymond; Rodriguez; Rose; Solis; Thompson; Uresti; Villarreal; Wise.

Nays — Allen; Baxter; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Dutton; Eissler; Farabee; Farrar; Flynn; Gallego; Gattis; Goodman; Goolsby; Griggs; Hamilton; Hamric; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Isett; Jones, D.; Jones, J.; Keffer, B.; King; Krusee; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Mercer; Miller; Moreno, J.; Morrison; Mowery; Noriega; Paxton; Peña; Phillips; Pitts; Puente; Reyna; Riddle; Ritter; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Telford; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Edwards.

Absent, Excused — Bailey; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Turner.

Absent — Alonzo; Branch; Campbell; Canales; Capelo; Dunnam; Eiland; Ellis; Garza; Hegar; Homer; Hunter; Martinez Fischer; Moreno, P.; Olivo; Taylor.

STATEMENTS OF VOTE

When Record No. 572 was taken, I was in the house but away from my desk. I would have voted yes.

Alonzo

When Record No. 572 was taken, I was temporarily out of the house chamber. I would have voted no.

Campbell

When Record No. 572 was taken, I was in the house but away from my desk. I would have voted yes.

Canales

When Record No. 572 was taken, my vote failed to register. I would have voted no.

Dunnam

I was shown voting yes on Record No. 572. I intended to vote no.

Giddings

When Record No. 572 was taken, my vote failed to register. I would have voted no.

Taylor

**CSHB 262 ON SECOND READING
(by Wolens)**

CSHB 262, A bill to be entitled An Act relating to the funding of convention center hotel facilities in certain municipalities.

CSHB 262 was read second time on May 7, postponed until 1:00 p.m. today, and was again postponed until 5 p.m. today.

CSHB 262 - POINT OF ORDER

Representative Mowery raised a point of order against further consideration of **CSHB 262** under Rule 4, Section 20 of the House Rules on the grounds that a witness affirmation form is incorrect.

(Grusendorf in the chair)

(Turner now present)

The chair sustained the point of order, speaking as follows:

Ms. Mowery raises a point of order under Rule 4, Section 20 in that a witness listed as having testified on **HB 262** did not identify on the witness affirmation form the measure he wished to testify against.

The point of order is well taken and sustained.

The ruling precluded further consideration of **CSHB 262**.

MAJOR STATE CALENDAR
(consideration continued)
CSHB 2425 ON SECOND READING
(by McCall)

CSHB 2425, A bill to be entitled An Act relating to state and certain local fiscal matters; making an appropriation.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by striking SECTIONS 6 and 7 of the bill (committee printing, page 14, line 25, through page 15, line 11) and renumbering subsequent SECTIONS of the bill appropriately.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** on page 14, line 27, through page 15, line 1, by striking "suspend new enrollment in the program as the board" and substituting "temporarily suspend new enrollment in the program on the request of the comptroller as the comptroller".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Solomons offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by inserting a new appropriately numbered SECTION to read as follows:

SECTION _____. Section 151.027, Tax Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) This section does not prohibit:

(1) the examination of information, if authorized by the comptroller, by another state officer or law enforcement officer, by a tax official of another state, by a tax official of the United Mexican States, or by an official of the United States if a reciprocal agreement exists;

(2) the delivery to a taxpayer, or a taxpayer's authorized representative, of a copy of a report or other paper filed by the taxpayer under this chapter;

(3) the publication of statistics classified to prevent the identification of a particular report or items in a particular report;

(4) the use of records, reports, or information secured, derived, or obtained by the attorney general or the comptroller in an action under this chapter against the same taxpayer who furnished the information;

(5) the delivery to a successor, receiver, executor, administrator, assignee, or guarantor of a taxpayer of information about items included in the measure and amounts of an unpaid tax or amounts of tax, penalties, and interest required to be collected;

(6) the delivery of information to an eligible municipality in accordance with Section 321.3022 or 321.3023; or

(7) the release of information in or derived from a record, report, or other instrument required to be furnished under this chapter by a governmental body, as that term is defined in Section 552.003, Government Code.

(d) Unless otherwise authorized by law, an officer or employee of an eligible municipality, or an agent acting on behalf of that municipality, who obtains access to information relating to a seller under Section 321.3023 may not:

(1) reveal the information or any part of the information, such as a seller's business affairs, operations, profits, losses, or expenditures, to an unauthorized person;

(2) permit the information or any abstract or part of the information to be seen or examined by an unauthorized person; or

(3) retain the information after the person's service as an officer or employee of the municipality ends or the person's contract with the municipality expires.

(e) A person who violates Subsection (d) commits an offense. An offense under this subsection is a Class A misdemeanor.

SECTION 2. Subchapter D, Chapter 321, Tax Code, is amended by adding Section 321.3023 to read as follows:

Sec. 321.3023. INFORMATION ON CERTAIN TAXPAYERS. (a) A municipality that has imposed a tax under this chapter may provide to the comptroller information relating to:

(1) a seller that the municipality, in good faith, believes has not collected or reported to the comptroller as required by law revenue from a tax imposed by the municipality under this chapter; or

(2) tax revenue that the municipality, in good faith, believes has been paid by a seller but that was not properly reported by the seller as being revenue from a tax imposed by the municipality under this chapter.

(b) After investigating the information provided under Subsection (a), the comptroller may provide to the municipality information relating to whether the seller failed to:

(1) collect or report to the comptroller as required by law revenue from a tax imposed by the municipality under this chapter and, if so:

(A) the name and taxpayer identification number of the seller; and

(B) the amount of municipal tax revenue that was not collected or reported; or

(2) report collected tax revenue as being revenue from a tax imposed by the municipality under this chapter and, if so:

(A) the name and taxpayer identification number of the seller; and

(B) the amount of revenue that should have been reported as being revenue from a tax imposed by the municipality under this chapter.

(c) The municipality may request, and the comptroller may provide, information described by Subsection (b) for any tax reporting period that ended during the four-year period preceding the date on which the municipality requested the information.

(d) Sections 151.027(d) and (e) apply to an officer or employee of the municipality or agent acting on behalf of the municipality who is authorized to examine information provided by the comptroller under this section.

(e) To receive information under Subsection (b), the governing body of a municipality requesting the information must certify to the comptroller by resolution:

(1) the name of each officer or employee of the municipality or agent acting on behalf of the municipality who will be authorized to examine the information; and

(2) that each agent named in the resolution as authorized to examine the information:

(A) has a contract with the municipality to perform that service on the date the resolution is adopted;

(B) is prohibited under that contract from disclosing any part of the information or any information derived from that information to any person other than a municipal officer or employee named in the resolution as authorized to examine the information;

(C) is prohibited under that contract from performing consulting services for a seller, other than another political subdivision, during the term of the contract;

(D) has received notice that the information is confidential by law and that Sections 151.027(d) and (e) apply to the agent; and

(E) is prohibited under that contract from retaining the information or any information derived from that information after the contract expires.

(f) If the comptroller believes that information obtained by a municipality under Subsection (b) has been disclosed to a person not named in the municipality's resolution as authorized to examine the information or has been used for a purpose that does not comply with law, the comptroller may:

(1) refuse to provide additional information to the municipality;

(2) require the municipality to return information the comptroller previously provided; or

(3) place conditions on the eligibility of the municipality to receive information in the future.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Solomons offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by inserting the following appropriately numbered section to read as follows and renumbering subsequent sections accordingly:

SECTION _____. (a) Subchapter L, Chapter 151, Tax Code, is amended by adding Section 151.715 to read as follows:

Sec. 151.715. COLLECTION ON EXEMPT ITEMS OR OVERCHARGING. (a) A person is subject to a civil penalty of \$1,000 if the person continues to collect tax on an exempt item or to overcharge tax on a

taxable item after receiving two written notices from the comptroller in relation to those actions. The person is subject to the civil penalty regardless of whether the person remits the collected tax to the comptroller.

(b) Each violation of Subsection (a) is subject to a separate civil penalty.

(b) This section takes effect September 1, 2003, and applies to a violation that occurs on or after that date, regardless of when the comptroller provided the written notices required by Section 151.715(a), Tax Code, as added by this section. A violation that occurs before the effective date of this section is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

Amendment No. 4 was adopted without objection.

(Speaker in the chair)

Amendment No. 5

Representative Solomons offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by striking SECTIONS 7 of the bill (committee printing, page 15, lines 3-11) and renumbering subsequent SECTIONS of the bill appropriately.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Goodman offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by inserting the following new SECTIONS, appropriately numbered, and renumbering the SECTIONS of the bill accordingly:

SECTION _____. Articles 4.51(2) and (13), Insurance Code, are amended to read as follows:

(2) "Allocation date" means the date on which the certified investors of a certified capital company are allocated premium tax credits [~~certified capital~~] by the comptroller under this subchapter.

(13) "State premium tax liability" means:

(A) any liability incurred by any person under Subchapter A of this chapter; or

(B) if the tax liability imposed under Subchapter A of this chapter on January 1, 2003 [~~2001~~], is eliminated or reduced, any tax liability imposed on an insurance company or other person that had premium tax liability under Subchapter A of this chapter on that date.

SECTION _____. Article 4.52, Insurance Code, is amended to read as follows:

Art. 4.52. DUTIES OF COMPTROLLER; RULES; IMPLEMENTATION. The comptroller shall administer this subchapter and shall [~~may~~] adopt rules and forms as necessary to implement this subchapter. The rules must provide that:

(1) the comptroller shall begin accepting applications for certification as a certified capital company not later than the 30th day after the date the rules are adopted; and

(2) the comptroller shall accept premium tax credit allocation claims on behalf of certified investors on a date not later than the 120th day after the date the rules are adopted.

SECTION _____. Article 4.65(a), Insurance Code, is amended to read as follows:

(a) A certified investor who makes an investment of certified capital shall in the year of investment earn a vested credit against state premium tax liability equal to 100 percent of the certified investor's investment of certified capital, subject to the limits imposed by this subchapter. Beginning with the tax report due March 1, 2009, for the 2008 tax year, a [A] certified investor may take up to 25 [40] percent of the vested premium tax credit in any taxable year of the certified investor. The credit may not be applied to estimated payments due in 2008.

SECTION _____. Article 4.66(a), Insurance Code, is amended to read as follows:

(a) A premium tax credit allocation claim must be prepared and executed by a certified investor on a form provided by the comptroller. The certified capital company must file the claim with the comptroller on the date on which the comptroller accepts premium tax credit allocation claims on behalf of certified investors under rules adopted under Article 4.52(2) of this code [not later than February 15, 2002]. The premium tax credit allocation claim form must include an affidavit of the certified investor under which the certified investor becomes legally bound and irrevocably committed to make an investment of certified capital in a certified capital company in the amount allocated even if the amount allocated is less than the amount of the claim, subject only to the receipt of an allocation under Article 4.68 of this code.

SECTION _____. Section 4.67(b), Insurance Code, is amended to read as follows:

(b) The total amount of certified capital for which premium tax credits may be allowed for all certified investors under this subchapter may not exceed the amount that would entitle all certified investors in certified capital companies to take total credits of \$50 [\$20] million in a year.

SECTION _____. Article 4.68(c), Insurance Code, is amended to read as follows:

(c) Not later than the 15th day after the date on which the comptroller accepts premium tax credit allocation claims on behalf of certified investors under rules adopted under Article 4.52(2) of this code [March 1, 2002], the comptroller shall notify each certified capital company of the amount of tax credits allocated to each certified investor. Each certified capital company shall notify each certified investor of their premium tax credit allocation.

SECTION _____. Article 4.73(a), Insurance Code, is amended to read as follows:

(a) The comptroller shall prepare a biennial report with respect to results of the implementation of this subchapter. The report must include:

(1) the number of certified capital companies holding certified capital;

(2) the amount of certified capital invested in each certified capital company;

(3) the amount of certified capital the certified capital company has invested in qualified businesses as of January 1, 2006 [~~2004~~], and the cumulative total for each subsequent year;

(4) the total amount of tax credits granted under this subchapter for each year that credits have been granted;

(5) the performance of each certified capital company with respect to renewal and reporting requirements imposed under this subchapter;

(6) with respect to the qualified businesses in which certified capital companies have invested:

(A) the classification of the qualified businesses according to the industrial sector and the size of the business;

(B) the total number of jobs created by the investment and the average wages paid for the jobs; and

(C) the total number of jobs retained as a result of the investment and the average wages paid for the jobs; and

(7) the certified capital companies that have been decertified or that have failed to renew the certification and the reason for any decertification.

SECTION _____. Article 4.74, Insurance Code, is repealed.

SECTION _____. The comptroller shall adopt rules and forms as necessary to implement Subchapter B, Chapter 4, Insurance Code, as amended by this Act, not later than the 90th day after the effective date of this Act.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Hill offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425**, by inserting a new appropriately numbered SECTION to read as follows:

SECTION _____. Section 321.3022, Tax Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) The comptroller on request shall provide to a municipality that has adopted a tax under this chapter and that has a population of not more than 275,000 information relating to the amount of tax paid to the municipality under this chapter during the preceding or current calendar year by each person doing business in the municipality who annually remits to the comptroller state and local sales tax payments of more than \$25,000 [~~\$100,000~~].

(i) Notwithstanding Chapter 551, Government Code, the governing body of a municipality is not required to confer with one or more employees or a third party in an open meeting to receive information or question the employees or third party regarding the information received by the municipality under this section.

SECTION 2. Section 321.3022(f), Tax Code, is amended to read as follows:

(f) Information received by a municipality under this section is confidential, is not open to public inspection, and may be used only for the purpose of economic forecasting, for internal auditing of a tax paid to the municipality under this chapter, or for the purpose described in Subsection (g).

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative R. Cook offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 403.016(f), Government Code, is amended to read as follows:

(f)(1) Except as provided by Subdivisions [Subdivision] (2) and (4) and subject to any limitation in rules adopted by the comptroller, an automated clearinghouse, or the federal government, the comptroller may use the electronic funds transfer system to deposit payments only to one or more accounts of a payee at one or more financial institutions, including credit unions.

(2) The comptroller may also use the electronic funds transfer system to deposit a portion of an employee's gross pay into the employee's account at a credit union as prescribed by Subchapter G, Chapter 659.

(3) A single electronic funds transfer may contain payments to multiple payees. Individual transfers or warrants are not required for each payee.

(4) The comptroller may also use the electronic funds transfer system to deposit a portion of an employee's gross pay into an account of an eligible state employee organization for a membership as prescribed by Subchapter G, Chapter 659.

SECTION _____. Subchapter G, Chapter 659, Government Code, is amended by adding Section 659.1031 to read as follows:

Sec. 659.1031. DEDUCTION OF MEMBERSHIP FEES FOR ELIGIBLE STATE EMPLOYEE ORGANIZATIONS. (a) An employee of a state agency may authorize in writing a deduction each pay period from the employee's salary or wage payment for payment to an eligible state employee organization of a membership fee in the organization.

(b) In this section, "eligible state employee organization" means a state employee organization with a membership of at least 2,000 active or retired state employees who hold or who have held certification from the Commission on Law Enforcement Officer Standards and Education.

SECTION _____. Section 659.104(a), Government Code, is amended to read as follows:

(a) An authorization for a deduction under this subchapter must direct the comptroller or, if applicable, the appropriate financial officer of an institution of higher education to transfer the withheld funds to the program, eligible state employee organization, or credit union designated by the employee.

SECTION _____. Section 659.110 Government Code, is amended to read as follows:

Sec. 659.110. RULES. The comptroller may establish procedures and adopt rules to administer the credit union and the eligible state employee organization membership fee deduction programs ~~[program]~~ authorized by this subchapter.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Hartnett offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by adding the following SECTION, appropriately numbered, and renumbering the SECTIONS of the bill as appropriate:

SECTION _____. Subchapter H., Chapter 74, Property Code, is amended by adding Section 74.7085 to read as follows:

Sec. 74. 7085. HEARING. (a) If, after an examination of records under Section 74.702, the comptroller determines that a person holds unclaimed property that should have been delivered to the comptroller as provided by this chapter, the person may petition the comptroller for a hearing on that determination and on the imposition of any interest or penalty resulting from that determination.

(b) A person must file a petition for a hearing with the comptroller under this section not later than the 30th day after the date the determination is made. If a petition for a hearing is not filed before the expiration of the period provided by this subsection, the determination is final on the expiration of that period.

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Gallego offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** as follows:

(1) Insert the following appropriately numbered sections to read as follows and renumber subsequent sections accordingly:

SECTION _____. Section 151.011(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (c) of this section, "use" means the exercise of a right or power incidental to the ownership of tangible personal property over tangible personal property, including tangible personal property that has been processed, fabricated, or manufactured into other property or attached to or incorporated into other property transported into this state, and, except as provided by Section 151.056(b) of this code, includes the incorporation of tangible personal property into real estate or into improvements of real estate whether or not the real estate is subsequently sold.

SECTION _____. Section 153.119(d), Tax Code, is amended to read as follows:

(d) If the quantity of gasoline used in Texas by auxiliary power units or power take-off equipment on any motor vehicle can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of any device as a basis for determining the quantity of gasoline consumed in those operations for tax credit or tax refund. The climate-control air conditioning or heating system of

a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a refund may not be allowed for the tax paid on any portion of the gasoline that is used for that purpose.

SECTION __. Section 153.222(d), Tax Code, is amended to read as follows:

(d) If the quantity of diesel fuel used in Texas by auxiliary power units or power take-off equipment on any motor vehicle can be accurately measured while the motor vehicle is stationary by any metering or other measuring device or method designed to measure the fuel separately from fuel used to propel the motor vehicle, the comptroller may approve and adopt the use of any device as a basis for determining the quantity of diesel fuel consumed in those operations for tax credit or tax refund. If no separate metering device or other approved measuring method is provided, the following credit or refund procedures are authorized. A permitted supplier, a dyed diesel fuel bonded user, or an agricultural bonded user who operates diesel-powered motor vehicles equipped with a power take-off or a diesel-powered auxiliary power unit mounted on the motor vehicle and using the fuel supply tank of the motor vehicle may be allowed a deduction from the taxable gallons used in this state in each motor vehicle so equipped. The comptroller shall determine the percentage of the deduction. A user who is required to pay the tax on diesel fuel used in motor vehicles so equipped may file a claim for a refund not to exceed the percentage allowed by the comptroller of the total taxable fuel used in this state in each motor vehicle so equipped. The climate-control air conditioning or heating system of a motor vehicle that has a primary purpose of providing for the convenience or comfort of the operator or passengers is not a power take-off system, and a refund may not be allowed for the tax paid on any portion of the diesel fuel that is used for that purpose.

SECTION __. Section 201.057, Tax Code, is amended by amending Subsections (e) and (f) and adding Subsection (k) to read as follows:

(e) The operator of a proposed or existing gas well, including a gas well that has not been completed, or the operator of any proposed or existing oil or gas well within a commission approved co-production project, may apply to the commission for certification that the well produces or will produce high-cost gas. Such application, if seeking certification as high-cost gas according to Subsection (a)(2)(A), must be in writing and must be made not later than the first anniversary of [may be made at any time after] the first day of production. The application may be made but is not required to be made concurrently with a request for a determination that gas produced from the well is high-cost natural gas for purposes of the Natural Gas Policy Act of 1978 (15 U.S.C. Section 3301 et seq.) or with a request for commission approval of a co-production project. The commission may require an applicant to provide the commission with any relevant information required to administer this section. For purposes of this section, a determination that gas is high-cost natural gas according to Subsection (a)(2)(A) or a determination that gas is produced from within a commission

approved co-production project is a certification that the gas is high-cost gas for purposes of this section, and in that event additional certification is not required to qualify for the exemption or tax reduction provided by this section.

(f) To qualify for the exemption or tax reduction provided by this section, the person responsible for paying the tax must apply to the comptroller. The application must contain the certification of the commission that the well produces high-cost gas and, if the application is for a well spudded or completed after September 1, 1995, must contain a report of drilling and completion costs incurred for each well on a form and in the detail as determined by the comptroller. Drilling and completion costs for a recompletion shall only include current and contemporaneous costs associated with the recompletion. Notwithstanding any other provision of this section, to obtain the maximum tax exemption or tax deduction, an application to the comptroller for certification according to Subsection (a)(2)(A) must be filed with the comptroller not later than the first anniversary of the first day of production [at the later of the 180th day after the date of first production or the 45th day after the date of approval by the commission. If the application is not filed by the applicable deadline, the tax exemption or tax deduction is reduced by 10 percent for the period beginning on the 180th day after the first day of production and ending on the date on which the application is filed with the comptroller. An application to the comptroller for certification according to Subsection (a)(2)(B) may not be filed before January 1, 1990, or after December 31, 1998]. The comptroller shall approve the application of a person who demonstrates that the gas is eligible for the exemption or tax reduction. The comptroller may require a person applying for the exemption or tax reduction to provide any relevant information in the person's monthly report that the comptroller considers necessary to administer this section. The commission shall notify the comptroller in writing immediately if it determines that an oil or gas well previously certified as producing high-cost gas does not produce high-cost gas or if it takes any action or discovers any information that affects the eligibility of gas for an exemption or tax reduction under this section.

(k) A person who, on September 1, 2003, otherwise meets the requirements necessary to file an application with the commission and the comptroller for certification, except for the requirement that the application be made not later than the first anniversary of the first day of production, must submit the application for certification before March 1, 2004, to be eligible for the tax exemption or tax deduction provided by this section. This subsection expires March 1, 2004.

SECTION __. Section 201.101, Tax Code, is amended to read as follows:

Sec. 201.101. MARKET VALUE. (a) In this section:

(1) "Allowable marketing costs" means direct costs for:

(A) compressing the gas sold;

(B) dehydrating the gas sold;

(C) sweetening the gas sold; and

(D) delivering the gas to the purchaser.

(2) "Direct costs" means the cost of equipment that physically performs the activity and the direct labor associated with the activity.

(b) The market value of gas is its value at the mouth of the well from which it is produced. The value of the gas is computed by taking the producer's gross receipts for the gas and deducting allowable marketing costs incurred by the producer to transport the gas from the outlet of a lease separator to the market.

SECTION _____. Section 201.102, Tax Code, is amended to read as follows:

Sec. 201.102. CASH SALES. If gas is sold for cash only, the tax shall be computed on the producer's gross cash receipts. Payments from a purchaser of gas to a producer for the purpose of reimbursing the producer for taxes due under this chapter or for the purpose of reimbursing the producer for costs incurred are ~~not~~ part of the gross cash receipts unless the reimbursement amount for taxes due under this chapter is separately stated in the sales contract.

(2) On page 67, between lines 11 and 12, insert the following:

(i) The changes in law made by this Act to Sections 153.119(d) and 153.222(d), Tax Code, apply only to fuel used on or after September 1, 2003, for climate-control air conditioning or heating in a motor vehicle. Fuel used before that date is governed by the law in effect on the date the fuel is used, and that law is continued in effect for that purpose.

(3) On page 68, line 5, strike "and".

(4) On page 68, between lines 5 and 6, insert the following:

(11) Section 153.119(d), Tax Code;

(12) Section 153.222(d), Tax Code;

(13) Sections 201.057(e), (f), and (k), Tax Code;

(14) Section 201.101, Tax Code;

(15) Section 201.102, Tax Code; and

(5) On page 68, line 6, strike "(11)" and substitute "(16)".

(6) On page 68, after line 13, add the following:

(f) The amendment by this Act to Section 151.011(a), Tax Code, takes effect October 1, 2003.

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Gallego offered the following amendment to **CSHB 2425**:

Amend **CSHB 2425** by adding the following appropriately numbered section to the bill and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Section 661.152(d), Government Code, is amended to read as follows:

(d) An employee accrues vacation leave and may carry vacation leave forward from one fiscal year to the next in accordance with the following schedule:

	Hours Accrued Per Month for Full-time Employment	Maximum Hours Carried Forward From One Fiscal Year to the Next for a Full-time Employee
Employees With Total State Employment of:		

less than 2 years	<u>8</u> [7]	<u>180</u> [168]
at least 2 but less than 5 years	<u>9</u> [8]	<u>244</u> [232]
at least 5 but less than 10 years	<u>10</u> [9]	<u>268</u> [256]
at least 10 but less than 15 years	<u>11</u> [10]	<u>292</u> [280]
at least 15 but less than 20 years	<u>13</u> [12]	<u>340</u> [328]
at least 20 but less than 25 years	<u>15</u> [14]	<u>388</u> [376]
at least 25 but less than 30 years	<u>17</u> [16]	<u>436</u> [424]
at least 30 but less than 35 years	<u>19</u> [18]	<u>484</u> [472]
at least 35 years or more	<u>21</u> [20]	<u>532</u> [520]

Amendment No. 11 was adopted without objection.

CSHB 2425, as amended, was passed to engrossment.

HB 89 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative McClendon called up with senate amendments for consideration at this time,

HB 89, A bill to be entitled An Act relating to a leave of absence for certain state employees who are donating an organ, bone marrow, or blood.

On motion of Representative McClendon, the house concurred in the senate amendments to **HB 89**.

Senate Amendment No. 1

CSHB 89, A bill to be entitled An Act relating to a leave of absence for certain state employees who are donating an organ, bone marrow, or blood.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 661, Government Code, is amended by adding Sections 661.916 and 661.917 to read as follows:

Sec. 661.916. LEAVE FOR ORGAN OR BONE MARROW DONORS.

(a) A state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor.

(b) The leave of absence provided by this section may not exceed:

(1) five working days in a fiscal year to serve as a bone marrow donor;

or

(2) 30 working days in a fiscal year to serve as an organ donor.

Sec. 661.917. DONATION OF BLOOD. (a) A state agency shall allow each agency employee sufficient time off, without a deduction in salary or accrued leave, to donate blood.

(b) An employee may not receive time off under this section unless the employee obtains approval from the employee's supervisor before taking time off.

(c) On returning to work after taking time off under this section, an employee shall provide the employee's supervisor with proof that the employee donated blood during the time off. If an employee fails to provide proof that the employee donated blood during the time off, the state agency shall deduct the period for which the employee was granted time off from the employee's salary or accrued leave, whichever the employee chooses.

(d) An employee may receive time off under this section not more than four times in a fiscal year.

SECTION 2. This Act takes effect September 1, 2003.

CSHB 3550 ON SECOND READING

(by Delisi)

CSHB 3550, A bill to be entitled An Act relating to the applicability of certain premium, maintenance, and other insurance-related taxes to certain benefit plans.

CSHB 3550 - LAID ON THE TABLE SUBJECT TO CALL

Representative Delisi moved to lay **CSHB 3550** on the table subject to call.

The motion prevailed without objection.

CSHB 3306 ON SECOND READING

(by Berman)

CSHB 3306, A bill to be entitled An Act relating to statutory authority to reduce appropriations made by the legislature to certain individuals and governmental entities.

Representative Berman moved to postpone consideration of **CSHB 3306** until 10 a.m. tomorrow.

The motion prevailed without objection.

HB 3443 ON SECOND READING

(by Pickett)

HB 3443, A bill to be entitled An Act relating to statutory authority for certain governmental entities to take certain actions to permit the legislature to reduce appropriations to those agencies.

Representative Pickett moved to postpone consideration of **HB 3443** until 9 a.m. tomorrow.

The motion prevailed without objection.

HB 3588 - PRINTING RULE SUSPENDED

Representative McCall moved to suspend House Rule 2, Section 1(a)(9) to permit **HB 3588** to be passed to third reading in the form of engrossed amendments in lieu of a full engrossment.

The motion prevailed without objection.

HB 2425 - PRINTING RULE SUSPENDED

Representative McCall moved to suspend House Rule 2, Section 1(a)(9) to permit **HB 2425** to be passed to third reading in the form of engrossed amendments in lieu of a full engrossment.

The motion prevailed without objection.

**CSHB 415 ON SECOND READING
(by Flores)**

CSHB 415, A bill to be entitled An Act relating to state funding of courses offered for joint high school and junior college credit.

CSHB 415 was passed to engrossment. (Flynn recorded voting no)

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bills were laid before the house and read second time:

**SB 340 ON SECOND READING
(Hill - House Sponsor)**

SB 340, A bill to be entitled An Act relating to the rendition of property for ad valorem tax purposes; providing civil penalties.

(Woolley in the chair)

Amendment No. 1

Representative Haggerty offered the following amendment to **SB 340**:

Amend **SB 340** in SECTION 5 of the bill, at the end of proposed Section 22.29, Tax Code (House Committee Printing page 8, following line 8), by adding the following:

(e) If the court determines that the person is not liable for a penalty under this section or if the appraisal district agrees to settle the proceeding, the court shall award the person reasonable attorney's fees payable by the appraisal district.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative R. Cook offered the following amendment to **SB 340**:

Amend **SB 340** as follows:

(1) In the recital to SECTION 1 of the bill (House Committee Printing page 1, line 6), strike "(i)" and substitute "(j)".

(2) At the end of SECTION 1 of the bill, following proposed Section 22.01(i), Tax Code (House Committee Printing page 3, following line 8), add the following:

(j) Subsection (a) does not apply to property:

(1) that was exempt in the preceding tax year;

(2) that is described by Section 11.145, 11.15, 11.16, 11.161, or 11.25;

or

(3) subject to Section 22.02(b), for which the property owner has timely filed an application for an exemption.

(3) Between SECTIONS 1 and 2 of the bill (House Committee Printing page 3, between lines 8 and 9), insert the following SECTION, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 22.02, Tax Code, is amended to read as follows:

Sec. 22.02. RENDITION OF PROPERTY LOSING EXEMPTION DURING TAX YEAR OR FOR WHICH EXEMPTION APPLICATION IS DENIED. (a) If an exemption applicable to a property on January 1 terminates during the tax year, the person who owns or acquires the property on the date applicability of the exemption terminates shall render the property for taxation within 30 days after the date of termination.

(b) If the chief appraiser denies an application for an exemption for property described by Section 22.01(a), the person who owns the property on the date the application is denied shall render the property for taxation in the manner provided by Section 22.01 within 30 days after the date of denial.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative R. Cook offered the following amendment to **SB 340**:

Amend **SB 340** as follows:

(1) In the recital to SECTION 1 of the bill (House Committee Printing page 1, line 6), strike "(i)" and substitute "(j)".

(2) At the end of SECTION 1 of the bill, following proposed Section 22.01(i), Tax Code (House Committee Printing page 3, following line 8), add the following:

(j) Subsection (a) does not apply to property that is exempt from taxation.

(3) Between SECTIONS 1 and 2 of the bill (House Committee Printing page 3, between lines 8 and 9), insert the following SECTION, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 22.02, Tax Code, is amended to read as follows:

Sec. 22.02. RENDITION OF PROPERTY LOSING EXEMPTION DURING TAX YEAR OR FOR WHICH EXEMPTION APPLICATION IS DENIED. (a) If an exemption applicable to a property on January 1 terminates during the tax year, the person who owns or acquires the property on the date applicability of the exemption terminates shall render the property for taxation within 30 days after the date of termination.

(b) If the chief appraiser denies an application for an exemption for property described by Section 22.01(a), the person who owns the property on the date the application is denied shall render the property for taxation in the manner provided by Section 22.01 within 30 days after the date of denial.

Amendment No. 3 was adopted without objection.

SB 340, as amended, was passed to third reading.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 4 ON SECOND READING
(by Bohac, Hegar, Bonnen, Talton, et al.)**

HJR 4, A joint resolution proposing a constitutional amendment authorizing the legislature to limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to five percent or more.

Amendment No. 1

Representative Denny offered the following amendment to **HJR 4**:

Amend **HJR 4** on page 2, line 7, by striking "November 4, 2003" and substituting "September 13, 2003".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HJR 4, as amended, was adopted by (Record 573): 122 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laubenberg; Lewis; Mabry; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley(C); Zedler.

Nays — Chisum; Swinford.

Present, not voting — Mr. Speaker.

Absent, Excused — Bailey; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Allen; Alonzo; Brown, F.; Canales; Chavez; Coleman; Davis, J.; Driver; Homer; Hunter; Laney; Luna; Martinez Fischer; Merritt; Moreno, P.; Noriega; Quintanilla.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 492 ON THIRD READING
(by J. Jones, Hodge, Chavez, Alonzo, and Naishtat)**

HB 492, A bill to be entitled An Act relating to the prosecution and punishment of injury to a child, elderly individual, or disabled individual.

HB 492 was passed.

**HB 3419 ON THIRD READING
(by J. Davis)**

HB 3419, A bill to be entitled An Act relating to procedural and technical corrections and clarification of the Property Tax Code, procedures for the seizure of property, and distribution of ad valorem tax sale proceeds.

A record vote was requested.

HB 3419 was passed by (Record 574): 128 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley(C); Zedler.

Nays — Pickett.

Present, not voting — Mr. Speaker.

Absent, Excused — Bailey; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Bonnen; Brown, F.; Canales; Driver; Dunnam; Homer; Hunter; Merritt; Moreno, P.; Noriega; Quintanilla; Wise.

STATEMENT OF VOTE

I was shown voting no on Record No. 574. I intended to vote yes.

Pickett

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Bonnen on motion of Solomons.

HB 59 ON THIRD READING

(by Wise, Riddle, West, Morrison, Van Arsdale, et al.)

HB 59, A bill to be entitled An Act relating to the prosecution of and punishment for the offenses of kidnapping and aggravated kidnapping.

Amendment No. 1

Representative Peña offered the following amendment to **HB 59**:

Amend **HB 59** on third reading, on page 2, between lines 11-12, by inserting the following SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION 3. Title 5, Penal Code, is amended by adding a new Sec. 20.06 to read as follows:

Sec. 20.06. TRAFFICKING OF PERSONS. (a) DEFINITIONS. In this chapter:

(1) "Forced labor or services" means labor or services that are performed or provided by another person and obtained through an actor's:

(A) threatening to cause bodily injury to another;

(B) restraining another in a manner described by Section 20.01(1);

or

(C) withholding from another the person's:

(i) government records;

(ii) identifying information; or

(iii) personal property.

(2) "Traffic" means to transport another person or to entice, recruit, harbor, provide, or otherwise obtain another person for transport by deception, coercion, or force.

(b) TRAFFICKING OF PERSONS. (1) A person commits an offense if the person knowingly traffics another person with the intent that the trafficked person engage in:

(A) forced labor or services; or

(B) conduct that constitutes an offense under Chapter 43.

(2) Except as otherwise provided by this subsection, an offense under this section is a felony of the second degree. An offense under this section is a felony of the first degree if:

(A) the offense is committed under Subsection (a)(2) and the person who is trafficked is younger than 14 years of age at the time of the offense; or

(B) the commission of the offense results in the death of the person who is trafficked.

(3) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or under both sections.

SECTION 4. Section 71.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any offense under Subchapter B, Chapter 43, depicting or involving conduct by or directed toward a child younger than 18 years of age;

(8) any felony offense under Chapter 32[, ~~Penal Code~~];

(9) any offense under Chapter 36[, ~~Penal Code~~];

(10) any offense under Chapter 34[, ~~Penal Code~~]; [or]

(11) any offense under Section 37.11(a) ; or

(12) any offense under Chapter 20A[, ~~Penal Code~~].

Amendment No. 1 was adopted without objection.

HB 59, as amended, was passed.

HB 3439 ON THIRD READING (by Rose)

HB 3439, A bill to be entitled An Act relating to the liability of certain health care practitioners for examinations and medical screenings of students.

HB 3439 was passed.

HB 982 ON THIRD READING (by Talton, et al.)

HB 982, A bill to be entitled An Act relating to the authority of a peace officer to make a warrantless arrest when a person confesses to committing a felony.

HB 982 was passed.

HB 1005 ON THIRD READING**(by Haggerty)**

HB 1005, A bill to be entitled An Act relating to emergency orders and penalties for rock crushers and concrete plants.

A record vote was requested.

HB 1005 was passed by (Record 575): 125 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Van Arsdale; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley(C); Zedler.

Present, not voting — Mr. Speaker.

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Brown, F.; Canales; Chavez; Davis, J.; Driver; Dunnam; Dutton; Farrar; Hunter; Moreno, P.; Noriega; Quintanilla; Solis; Uresti; Villarreal.

HB 1082 ON THIRD READING**(by Talton)**

HB 1082, A bill to be entitled An Act relating to remedies for the unequal appraisal of property by an appraisal district.

HB 1082 was passed.

HB 1223 ON THIRD READING**(by Madden)**

HB 1223, A bill to be entitled An Act relating to continuation of a residence homestead ad valorem tax exemption when the owner temporarily ceases occupying the homestead due to military service or other causes.

A record vote was requested.

HB 1223 was passed by (Record 576): 131 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Allen; Alonzo; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Nays — Thompson.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Baxter; Cook, R.; Davis, J.; Dutton; Moreno, P.; Noriega; Quintanilla.

STATEMENT OF VOTE

I was shown voting no on Record No. 576. I intended to vote yes.

Thompson

HB 1368 ON THIRD READING (by McReynolds)

HB 1368, A bill to be entitled An Act relating to the prosecution and punishment of the offense of making a false report to a peace officer or law enforcement employee.

HB 1368 was passed.

HB 1661 ON THIRD READING (by Haggerty)

HB 1661, A bill to be entitled An Act relating to the carrying of certain weapons by a person who holds a security officer commission issued by the Texas Commission on Private Security.

HB 1661 was passed.

HB 1681 ON THIRD READING (by Stick, et al.)

HB 1681, A bill to be entitled An Act relating to the amount of compensation and allowances for certain county auditors.

A record vote was requested.

HB 1681 was passed by (Record 577): 128 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Merritt; Miller; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Canales; Davis, J.; Dunnam; Flores; Hodge; McClendon; Moreno, J.; Moreno, P.; Noriega; Quintanilla; Wise.

HB 1686 ON THIRD READING **(by Chisum)**

HB 1686, A bill to be entitled An Act relating to pharmacies that maintain emergency medication kits at certain institutions.

A record vote was requested.

HB 1686 was passed by (Record 578): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose;

Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Dunnam; Grusendorf; Moreno, P.; Quintanilla.

HB 1921 ON THIRD READING

(by Capelo, Wohlgemuth, Delisi, Coleman, J. Keffer, et al.)

HB 1921, A bill to be entitled An Act relating to the immunization registry.

Amendment No. 1

Representative Isett offered the following amendment to **HB 1921**:

Amend **HB 1921** on third reading on page 1, line 6 and 7, (Second reading engrossment) by striking "DEFINITION. In this subchapter, "payor" means" and substituting the following:

DEFINITIONS. In this subchapter:

(1) "Data elements" means the information a health care provider who administers a vaccine is required to record in a medical record under 42 U.S.C. Section 300aa-25, as amended, including:

(A) the date the vaccine is administered;

(B) the vaccine manufacturer and lot number of the vaccine; and

(C) the name, address and if appropriate, the title of the health care provider administering the vaccine.

(2) "Payor" means

Amendment No. 1 was adopted without objection.

HB 1921, as amended, was passed. (Corte and Taylor recorded voting no)

HB 2525 ON THIRD READING

(by Ellis)

HB 2525, A bill to be entitled An Act relating to the punishment of certain assaults committed against persons who contract with government and employees of those persons.

Amendment No. 1

Representative Isett offered the following amendment to **HB 2525**:

Amend **HB 2525** on third reading by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION __. Section 22.01, Penal Code, is amended to read as follows:

Sec. 22.01. ASSAULT. (a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;

(2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or

(3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant; ~~or~~

(2) a member of the defendant's family or household, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense against a member of the defendant's family or household under this section; or

(3) an employee of a public or private primary or secondary school while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of a duty within the scope of employment.

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that:

(1) an offense under Subsection (a)(2) is a Class A misdemeanor, and an offense under Subsection (a)(3) is a Class B misdemeanor if the offense is committed against an employee of a public or private primary or secondary school while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of a duty within the scope of employment; and

(2) an offense under Subsection (a)(3) is a Class A misdemeanor if the offense was committed against an elderly individual or disabled individual, as those terms are defined by Section 22.04.

(d) For purposes of Subsection (b)(1), the actor is presumed to have known the person assaulted was a public servant if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant. For the purposes of Subsections (b)(3) and (c)(1), the actor is presumed to have known that the person assaulted was a school employee if the actor was a student enrolled in or the parent or guardian of a student enrolled in the school at which the person assaulted was employed.

(e) It is not a defense to prosecution under Subsection (b)(3) or (c)(1) that the offense occurred off school premises or at a time at which school was not in session.

(f) ~~(e)~~ In this section:

(1) "Family" has the meaning assigned by Section 71.003, Family Code.

(2) "Household" has the meaning assigned by Section 71.005, Family Code.

(g) [(f)] For the purposes of this section, a defendant has been previously convicted of an offense against a member of the defendant's family or a member of the defendant's household under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION __. (a) The change in law made to Section 22.01, Penal Code, by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

Amendment No. 1 was withdrawn.

HB 2525 was passed.

HB 3168 ON THIRD READING **(by Giddings)**

HB 3168, A bill to be entitled An Act relating to an alternative medical dispute resolution process for low-cost medical services in the Texas workers' compensation system.

A record vote was requested.

HB 3168 was passed by (Record 579): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffner, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Dunnam; Moreno, P.

HB 3184 ON THIRD READING
(by Hill)

HB 3184, A bill to be entitled An Act relating to the financing, construction, improvement, maintenance, and operation of toll facilities by the Texas Department of Transportation.

Amendment No. 1

Representative Y. Davis offered the following amendment to **HB 3184**:

Amend **HB 3184** (engrossed second reading) on third reading as follows:

(1) On page 43, line 22, between "Section 361.231" and the period, insert "except that the process by which a private entity is chosen by the department to enter an agreement under this section is subject to the extent possible to Section 361.050".

(2) On page 43, between lines 22 and 23, add the following SECTION and renumber following SECTIONS accordingly:

SECTION _____. Subchapter I, Chapter 361, Transportation Code, is amended by adding Section 361.3021 to read as follows:

Sec. 361.3021. ADVERTISING. Before entering into an agreement under Section 361.302, the department shall publish notice in the Texas Register requesting competitive proposals for the agreement.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3184, as amended, was passed by (Record 580): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Present, not voting — Mr. Speaker; Woolley(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Dukes; Dunnam; Moreno, P.

(Speaker in the chair)

HB 3185 ON THIRD READING

(by Hill)

HB 3185, A bill to be entitled An Act relating to the formula program for distribution of state grants to public transportation providers.

A record vote was requested.

HB 3185 was passed by (Record 581): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Campbell; Canales; Capelo; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Callegari; Casteel; Dukes; Dunnam; Haggerty; McReynolds; Moreno, P.; Wohlgemuth.

STATEMENT OF VOTE

When Record No. 581 was taken, my vote failed to register. I would have voted yes.

Casteel

HB 3208 ON THIRD READING**(by Heflin)**

HB 3208, A bill to be entitled An Act relating to the temporary provision of lump-sum payments to certain retiring members of the Employees Retirement System of Texas.

A record vote was requested.

HB 3208 was passed by (Record 582): 121 Yeas, 8 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Coleman; Davis, Y.; Farrar; Moreno, J.; Rodriguez; Telford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Castro; Davis, J.; Dawson; Driver; Dunnam; Hochberg; Moreno, P.; Morrison; Noriega; Quintanilla; Wise.

STATEMENT OF VOTE

I was shown voting no on Record No. 582. I intended to vote yes.

Rodriguez

HB 2458 ON THIRD READING**(by Krusee, Oliveira, Swinford, et al.)**

HB 2458, A bill to be entitled An Act relating to the collection of the motor fuel taxes; providing penalties.

HB 2458 was passed.

HB 94 ON THIRD READING**(by McClendon)**

HB 94, A bill to be entitled An Act relating to retirement benefits for visiting judges.

HB 94 was passed.

HB 155 ON THIRD READING**(by West, Peña, Casteel, Allen, Crabb, et al.)**

HB 155, A bill to be entitled An Act relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.

HB 155 was passed.

HB 264 ON THIRD READING**(by F. Brown)**

HB 264, A bill to be entitled An Act relating to supplemental contributions to the optional retirement program by institutions of higher education.

A record vote was requested.

HB 264 was passed by (Record 583): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Dunnam; Moreno, P.; Noriega; Quintanilla; Wise.

HB 679 ON THIRD READING**(by Talton)**

HB 679, A bill to be entitled An Act relating to requiring the Texas Department of Criminal Justice to inform certain inmates of their right to request to undergo an orchiectomy.

HB 679 was passed.

HB 758 ON THIRD READING**(by Giddings and Denny)**

HB 758, A bill to be entitled An Act relating to contracts between a school district and a business entity in which a district trustee has a substantial interest.

Amendment No. 1

Representative Giddings offered the following amendment to **HB 758**:

Amend **HB 758** (engrossed version) as follows:

(1) On page 1, at the end of line 17, insert "offered to provide:"

(2) On page 1, strike lines 18-19 and substitute the following:

(i) the same or better quality goods or services at the same or lower cost; or

(ii) the best value for the district; and

Amendment No. 1 was adopted without objection.

HB 758, as amended, was passed. (Madden recorded voting no)

HB 860 ON THIRD READING**(by McReynolds)**

HB 860, A bill to be entitled An Act relating to the use of public school educators' days of service for which instruction is not required.

A record vote was requested.

HB 860 was passed by (Record 584): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith,

T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Driver; Dunnam; Gallego; Hochberg; Moreno, P.; Quintanilla; Wise.

HB 893 ON THIRD READING

(by Haggerty)

HB 893, A bill to be entitled An Act relating to the correction of an appraisal roll, a tax roll, and other appropriate records following the final determination of an ad valorem tax appeal.

HB 893 was passed.

HB 1629 ON THIRD READING

(by J. Keffer, et al.)

HB 1629, A bill to be entitled An Act relating to the regulation of certain chemical precursors under the Texas Controlled Substances Act.

HB 1629 was passed.

HB 1699 ON THIRD READING

(by Kuempel)

HB 1699, A bill to be entitled An Act relating to the liability of highway, road, and street contractors.

HB 1699 was passed.

HB 1859 ON THIRD READING

(by Bohac, Bailey, Edwards, and McClendon)

HB 1859, A bill to be entitled An Act relating to the construction or operation of chemical dependency treatment facilities near certain residential and community properties.

HB 1859 was passed.

HB 1980 ON THIRD READING

(by Puente)

HB 1980, A bill to be entitled An Act relating to excepting certain land from the additional tax imposed on the change of use of land appraised for ad valorem tax purposes as open-space land.

A record vote was requested.

HB 1980 was passed by (Record 585): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee.

Absent — Branch; Chavez; Dunnam; Moreno, P.; Quintanilla; Rodriguez; Wise.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Wolens on motion of Hill.

HB 2040 ON THIRD READING (by Marchant)

HB 2040, A bill to be entitled An Act relating to authorizing certain state agencies to share information for investigative purposes.

A record vote was requested.

HB 2040 was passed by (Record 586): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez

Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Chavez; Dunnam; Flynn; Moreno, P.; Wise.

STATEMENT OF VOTE

When Record No. 586 was taken, my vote failed to register. I would have voted yes.

Flynn

HB 2086 ON THIRD READING

(by Talton)

HB 2086, A bill to be entitled An Act relating to the possession or shooting of a handgun on the land of the Lower Colorado River Authority by a person licensed to carry a concealed handgun.

HB 2086 was passed.

HB 2100 ON THIRD READING

(by Dutton)

HB 2100, A bill to be entitled An Act relating to the disposing of abandoned motor vehicles.

HB 2100 was passed.

HB 2150 ON THIRD READING

(by Denny, Howard, Marchant, Woolley, and Hope)

HB 2150, A bill to be entitled An Act relating to the date on which the period for early voting by personal appearance begins.

Representative Denny moved to postpone consideration of **HB 2150** until the end of today's general state house bill third reading calendar.

The motion prevailed without objection.

HB 2212 ON THIRD READING

(by Mowery)

HB 2212, A bill to be entitled An Act relating to the continuation of legal land use in newly incorporated areas.

A record vote was requested.

HB 2212 was passed by (Record 587): 118 Yeas, 7 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Morrison; Mowery; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solomons; Stick; Swinford; Talton; Telford; Thompson; Truitt; Turner; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Dukes; Harper-Brown; Laubenberg; Naishtat; Rodriguez; Taylor.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Branch; Coleman; Crabb; Dutton; Farrar; Heflin; Hill; Hunter; Laney; Merritt; Moreno, J.; Moreno, P.; Solis; Uresti.

HB 552 ON THIRD READING **(by Hegar)**

HB 552, A bill to be entitled An Act relating to expulsion of students from public schools for certain conduct.

A record vote was requested.

HB 552 was passed by (Record 588): 122 Yeas, 4 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hughes; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Hopson; Martinez Fischer; Telford; Wilson.

Present, not voting — Mr. Speaker(C); Edwards.

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Branch; Burnam; Castro; Dunnam; Dutton; Howard; Hunter; Merritt; Moreno, P.; Naishtat; Uresti; Wise.

STATEMENTS OF VOTE

I was shown voting no on Record No. 588. I intended to vote yes.

Hopson

I was shown voting no on Record No. 588. I intended to vote yes.

Martinez Fischer

I was shown voting no on Record No. 588. I intended to vote yes.

Telford

HB 2474 ON THIRD READING (by Callegari)

HB 2474, A bill to be entitled An Act relating to electronic surveillance.

HB 2474 was passed.

HB 2496 ON THIRD READING (by Branch, Denny, Marchant, Raymond, Turner, et al.)

HB 2496, A bill to be entitled An Act relating to the date of the primary election.

HB 2496 was passed.

HB 2528 ON THIRD READING (by Madden)

HB 2528, A bill to be entitled An Act relating to the authority of school districts to purchase electricity through a political subdivision corporation.

A record vote was requested.

HB 2528 was passed by (Record 589): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Madden;

Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Dunnam; Mabry; Merritt; Moreno, P.; Phillips; Swinford; Wise.

HB 2624 ON THIRD READING

(by Haggerty)

HB 2624, A bill to be entitled An Act relating to the operation of community supervision and corrections departments and to the early release of a defendant from community supervision.

HB 2624 was passed. (Phillips recorded voting no)

HB 2725 ON THIRD READING

(by Talton)

HB 2725, A bill to be entitled An Act relating to the destruction of records following certain expunctions.

A record vote was requested.

HB 2725 was passed by (Record 590): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Dunnam; Merritt; Moreno, P.; Quintanilla; Talton; Wise.

HB 2823 ON THIRD READING

(by Eissler)

HB 2823, A bill to be entitled An Act relating to individual transition plans for certain students receiving special education services.

A record vote was requested.

HB 2823 was passed by (Record 591): 129 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Puente.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Crownover; Dunnam; Dutton; Farrar; Garza; Merritt; Moreno, P.; Telford; Wise.

HB 3022 ON THIRD READING

(by Taylor, Madden, and Wohlgemuth)

HB 3022, A bill to be entitled An Act relating to the availability of preferred providers.

HB 3022 was passed.

HB 3023 ON THIRD READING
(by Taylor, Madden, and Wohlgemuth)

HB 3023, A bill to be entitled An Act relating to reimbursement and use of particular health care practitioners.

HB 3023 was passed.

HB 3052 ON THIRD READING
(by Hunter)

HB 3052, A bill to be entitled An Act relating to the prohibition of the use of certain colors on certain signs, signals, or markings.

HB 3052 was passed.

HB 3089 ON THIRD READING
(by Dukes)

HB 3089, A bill to be entitled An Act relating to competitive purchasing procedures for certain counties.

HB 3089 was passed.

HB 3096 ON THIRD READING
(by Madden)

HB 3096, A bill to be entitled An Act relating to the penalty for the failure to timely file a report of political contributions and expenditures with the Texas Ethics Commission.

HB 3096 was passed.

HB 3122 ON THIRD READING
(by Truitt)

HB 3122, A bill to be entitled An Act relating to the establishment of locally based demonstration projects to provide health care benefits to certain low-income individuals.

HB 3122 was passed.

HB 3141 ON THIRD READING
(by Wilson)

HB 3141, A bill to be entitled An Act relating to stamping of cigarettes in interstate commerce.

A record vote was requested.

HB 3141 was passed by (Record 592): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland; Eissler; Elkins; Ellis; Flores; Flynn; Gallego; Garza; Gattis;

Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Dutton; Farabee; Farrar; Hodge; Homer; Merritt; Moreno, P.; Quintanilla; Swinford.

STATEMENT OF VOTE

When Record No. 592 was taken, I was in the house but away from my desk. I would have voted yes.

Hodge

HB 3211 ON THIRD READING

(by Heflin, Hochberg, Corte, Noriega, Berman, et al.)

HB 3211, A bill to be entitled An Act relating to certain veterans' assistance programs.

A record vote was requested.

HB 3211 was passed by (Record 593): 127 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Ellis; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis;

Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Alonzo; Cook, B.; Dunnam; Dutton; Farabee; Farrar; Grusendorf; Homer; Merritt; Moreno, P.; Quintanilla; Wise.

HB 3351 ON THIRD READING

(by J. Davis, Edwards, Wong, and Woolley)

HB 3351, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for The University of Texas Health Science Center at Houston for the replacement of research and academic facilities lost in Tropical Storm Allison.

A record vote was requested.

HB 3351 was passed by (Record 594): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Dunnam; Homer; Merritt; Moreno, P.; Quintanilla; Wise.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

HB 2150 ON THIRD READING
(by Denny, Howard, Marchant, Woolley, and Hope)

HB 2150, A bill to be entitled An Act relating to the date on which the period for early voting by personal appearance begins.

HB 2150 was read third time earlier today and was postponed until this time.

Representative Denny moved to postpone consideration of **HB 2150** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

The following bills were laid before the house and read third time:

SB 1012 ON THIRD READING
(Raymond and Naishtat - House Sponsors)

SB 1012, A bill to be entitled An Act relating to the placement of electronic monitoring devices in the rooms of certain residents in assisted living facilities.

A record vote was requested.

SB 1012 was passed by (Record 595): 127 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Ellis; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; King; Krusee; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Noriega; Olivo; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Bonnen; Keffer, J.; Kolkhorst; Kuempel; Nixon; Oliveira; Smithee; Wolens.

Absent — Burnam; Coleman; Dunnam; Elkins; Farabee; Homer; Merritt; Moreno, P.; Paxton; Quintanilla; Rodriguez; Wise.

SB 1532 ON THIRD READING
(Marchant - House Sponsor)

SB 1532, A bill to be entitled An Act relating to the filing of an application for registration of a trademark or service mark and other trademark instruments with the secretary of state.

SB 1532 was passed.

SB 1010 ON THIRD READING
(Giddings, Bohac, Uresti, and Wise - House Sponsors)

SB 1010, A bill to be entitled An Act relating to public and common nuisances; providing a penalty.

Amendment No. 1

Representative Hartnett offered the following amendment to **SB 1010**:

Amend **SB 1010** on third reading in SECTION 1 of the bill, by striking Sections 125.001(4)(B)(i) and (ii), Civil Practice and Remedies Code, as added by Amendment No. ____ by Hartnett, and substituting the following:

- (i) any conduct described by Section 43.25(a)(2), Penal Code;
- (ii) any conduct described by Section 43.01, Penal Code; or

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Geren offered the following amendment to **SB 1010**:

Amend **SB 1010** on third reading in Section 1 of the bill, in added Section 125.0015(a)(5), Civil Practice and Remedies Code, strike the text between "information" and the semicolon.

Amendment No. 2 was adopted without objection.

SB 1010, as amended, was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 1655 ON SECOND READING
(by Wohlgemuth, B. Brown, Zedler, Paxton, Kuempel, et al.)

CSHB 1655, A bill to be entitled An Act relating to the issuance of "Choose Life" license plates and to the creation of the Choose Life account in the general revenue fund.

Representative Goolsby moved to postpone consideration of **CSHB 1655** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

CSHB 305 ON SECOND READING
(by Puente and E. Jones)

CSHB 305, A bill to be entitled An Act relating to the protection of public freshwater areas; providing a penalty.

Representative Puente moved to postpone consideration of **CSHB 305** until 2 p.m. Monday, May 12.

The motion prevailed without objection.

HB 3526 ON SECOND READING
(by Hamric, Heflin, Thompson, J. Moreno, Woolley, et al.)

HB 3526, A bill to be entitled An Act relating to the establishment of the research development fund to promote research at certain institutions of higher education and to the abolition of the Texas excellence fund and the university research fund.

HB 3525 was passed to engrossment. (Branch, Chavez, Giddings, Marchant, Menendez, and Pickett recorded voting no)

HB 1168 ON SECOND READING
(by Madden)

HB 1168, A bill to be entitled An Act relating to the appraisal of public school teachers who direct extracurricular activities.

HB 1168 was passed to engrossment.

HB 1895 ON SECOND READING
(by Hope)

HB 1895, A bill to be entitled An Act relating to the compensation provided to an immediate family member or a household member of a deceased victim for funeral attendance and bereavement leave.

Amendment No. 1

Representative Talton offered the following amendment to **HB 1895**:

Amend **HB 1895** as follows:

(1) On page 1, lines 19 and 20, strike "or household member" and substitute "[~~or household member~~"]".

(2) On page 2, line 26, strike "or household".

(2) On page 3, line 13, strike "or household".

(2) On page 3, line 23, strike "or household".

(2) On page 3, line 25, strike "or household".

Amendment No. 1 was adopted without objection.

HB 1895, as amended, was passed to engrossment.

CSHB 1899 ON SECOND READING
(by Nixon and Wise)

CSHB 1899, A bill to be entitled An Act relating to the prevention of the international abduction of a child by a parent of the child.

CSHB 1899 was passed to engrossment.

CSHB 1363 ON SECOND READING
(by Crownover)

CSHB 1363, A bill to be entitled An Act relating to funding for the Texas Academy of Mathematics and Science.

CSHB 1363 was passed to engrossment.

CSHB 2184 ON SECOND READING
(by Geren)

CSHB 2184, A bill to be entitled An Act relating to prohibiting the Texas Commission on Environmental Quality from amending, interpreting, impairing, or modifying a written contract for the wholesale provision of water.

Amendment No. 1

Representative Geren offered the following amendment to **CSHB 2184**:

Amend **CSHB 2184** as follows:

(1) On page 1, line 23, strike "has not entered into a" and substitute "does not have a current"

Amendment No. 1 was adopted without objection.

CSHB 2184, as amended, was passed to engrossment.

CSHB 705 ON SECOND READING
(by Solomons and Allen)

CSHB 705, A bill to be entitled An Act relating to liability of in-home service companies and residential delivery companies for negligent hiring.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 705**:

Amend **CSHB 705** as follows:

(1) On page 2, line 2, between "Department of Public Safety" and "all", insert "or a private vendor approved by the department and offering services comparable to the services offered by the department".

(2) On page 2, line 4, strike "[regular]".

(3) On page 2, line 6, strike "[IMMUNITY FROM LIABILITY]".

(4) On page 2, lines 15 and 16, strike "employee entered while in the performance of the officer's or".

(5) On page 2, line 26, strike "as of the date" and substitute "in the 20 years preceding the date".

(6) On page 4, lines 2 and 3, strike "from the Department of Public Safety" and substitute "described by Section 145.002".

(7) On page 4, line 16, after "Department of Public Safety", insert "or a private vendor approved by the department and offering services comparable to the services offered by the department".

Amendment No. 1 was adopted without objection.

Representative Solomons moved to postpone consideration of **CSHB 705** until the end of today's general state second reading house bill calendar.

The motion prevailed without objection.

CSHB 693 ON SECOND READING
(by Van Arsdale)

CSHB 693, A bill to be entitled An Act relating to funding for school districts that accept students using a public education grant.

CSHB 693 was passed to engrossment.

CSHB 2931 ON SECOND READING
(by Lewis)

CSHB 2931, A bill to be entitled An Act relating to the administration and finances of counties and certain other entities.

Amendment No. 1

Representative Lewis offered the following amendment to **CSHB 2931**:

Amend **CSHB 2931** as follows:

(1) On page 2, strike lines 21-22 and substitute the following:
of political subdivisions or combinations of political subdivisions and derives more than 50 percent of its gross revenues from grants, funding, or other income from political subdivisions or combinations of subdivisions

(2) Strike SECTION 5 of the bill and renumber SECTIONS of the bill appropriately (page 4, lines 10-26).

Amendment No. 1 was adopted without objection.

CSHB 2931, as amended, was passed to engrossment.

HB 2908 ON SECOND READING
(by Eissler)

HB 2908, A bill to be entitled An Act relating to the development of essential knowledge and skills for subjects in the enrichment curriculum.

Amendment No. 1

Representative Eissler offered the following amendment to **HB 2908**:

Amend **HB 2908** as follows:

(1) On page 1, line 5, strike "28.002(c), Education Code, is amended" and substitute "28.002, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1)".

(2) On page 1, between lines 16 and 17, insert the following:

(c-1) A district may apply to the commissioner for an extension in complying with the rules adopted by the State Board of Education under Subsection (c), as amended by HB 2908, Acts of the 78th Legislature, Regular Session, 2003. The commissioner may adopt rules as necessary for the implementation of this subsection. This subsection expires September 1, 2005.

Amendment No. 1 was adopted without objection.

HB 2908, as amended, was passed to engrossment.

CSHB 2683 ON SECOND READING
(by Denny)

CSHB 2683, A bill to be entitled An Act relating to considering for school district accountability purposes the performance of students confined by court order in a residential program or facility operated by or under contract with the Texas Youth Commission.

CSHB 2683 was passed to engrossment.

HB 1314 ON SECOND READING
(by Pitts)

HB 1314, A bill to be entitled An Act relating to placement of certain students in alternative education programs.

HB 1314 was passed to engrossment.

CSHB 3325 ON SECOND READING
(by J. Keffer, Christian, and Seaman)

CSHB 3325, A bill to be entitled An Act relating to the creation and administration of the community telecommunications alliance program.

Amendment No. 1

Representative Christian offered the following amendment to **CSHB 3325**:

Amend **CSHB 3325** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION _____. Subchapter C, Chapter 57, Utilities Code, is amended by adding Section 57.052 to read as follows:

Sec. 57.052. RESALE OF SERVICES. Notwithstanding any other law, an entity that receives a grant or loan under this subchapter that is used to establish broadband access to the Internet may resell that access to persons residing in the entity's community if the access is not being used to its capacity.

SECTION _____. Section 58.266, Utilities Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), a [A] private network service may be used by and shared among the entities described by Section 58.253(a) but may not be otherwise shared or resold to other customers.

(d) Notwithstanding any other law, an entity described by Section 58.253(a) may resell a private network service provided under this subchapter that is not used to its capacity to persons residing in the entity's community.

SECTION _____. Section 59.081, Utilities Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), a [A] private network service may be used and shared among the entities described by Section 59.072(a) but may not be otherwise shared or resold to other customers.

(d) Notwithstanding any other law, an entity described by Section 59.072(a) may resell a private network service provided under this subchapter that is not used to its capacity to persons residing in the entity's community.

SECTION _____. Subchapter B, Chapter 2170, Government Code, is amended by adding Section 2170.0585 to read as follows:

Sec. 2170.0585. USE OF SYSTEM IN CERTAIN COMMUNITIES. Notwithstanding Section 2170.058(c), the department may sell access to broadband telecommunications products or services to the general public if:

(1) the commission already provides the products or services to a state agency or political subdivision in the community; and

(2) the products or services are not being used to their fullest capacity by the state agency or political subdivision.

Amendment No. 1 was adopted without objection.

CSHB 3325, as amended, was passed to engrossment.

HB 918 ON SECOND READING
(by Eiland, et al.)

HB 918, A bill to be entitled An Act relating to the authority of certain counties to implement a pilot program to provide certain indigent health care services and to the funding of the program.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative McReynolds, Representative Eiland offered the following committee amendment to **HB 918**:

Amend **HB 918** as follows:

(1) on page 1, line 17, strike "200,000" and substitute "190,000"

Amendment No. 1 was adopted without objection.

HB 918, as amended, was passed to engrossment.

CSHB 432 ON SECOND READING
(by Bonnen)

CSHB 432, A bill to be entitled An Act relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

Amendment No. 1

Representative Gattis offered the following amendment to **CSHB 432**:

Amend **CSHB 432** on page 2, between lines 6 and 7, by inserting the following:

(f) This section does not apply to an organization that:

(1) is exempt from taxation under Section 501(a), Internal Revenue Code, as amended, by being listed under 501(c)(3), 501(c)(4), 501(c)(8), or 501(c)(10) of that code;

(2) resells or offers to resell a ticket; and

(3) applies the proceeds of any ticket sale to the organization's goals or purposes.

Amendment No. 1 was adopted without objection.

Representative Gattis moved to postpone consideration of **CSHB 432** until the end of today's general state second reading house bill calendar.

The motion prevailed without objection.

CSHB 1626 ON SECOND READING

(by T. Smith)

CSHB 1626, A bill to be entitled An Act relating to use of personal leave by school district employees.

Representative T. Smith moved to postpone consideration of **CSHB 1626** until the end of today's general state second reading house bill calendar.

The motion prevailed without objection.

SB 903 ON SECOND READING

(Hamric - House Sponsor)

SB 903, A bill to be entitled An Act relating to the use of toll projects by military vehicles; creating an offense.

SB 903 was considered in lieu of **HB 1732**.

SB 903 was passed to third reading.

HB 1732 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hamric moved to lay **HB 1732** on the table subject to call.

The motion prevailed without objection.

CSHB 3292 ON SECOND READING

(by Krusee)

CSHB 3292, A bill to be entitled An Act relating to the marketing and sale of prestige and specialized license plates.

CSHB 3292 was passed to engrossment.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Turner on motion of Giddings.

HB 819 ON SECOND READING
(by Isett, Hupp, Hamilton, and Ellis)

HB 819, A bill to be entitled An Act relating to the prosecution of the offense of unlawfully carrying a handgun, illegal knife, or club.

HB 819 was passed to engrossment.

CSHB 622 ON SECOND READING
(by Goolsby)

CSHB 622, A bill to be entitled An Act relating to business leave time accounts for police officer employee organizations in certain municipalities.

CSHB 622 was passed to engrossment.

CSHB 1541 ON SECOND READING
(by Callegari)

CSHB 1541, A bill to be entitled An Act relating to the general powers and authority of water districts.

(Corte in the chair)

Representative Callegari moved to postpone consideration of **CSHB 1541** until the end of today's general state second reading house bill calendar.

The motion prevailed without objection.

HB 2033 ON SECOND READING
(by Menendez)

HB 2033, A bill to be entitled An Act relating to historically underutilized businesses that perform investment brokerage services for a state agency.

HB 2033 was passed to engrossment.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 705 ON SECOND READING
(by Solomons and Allen)

CSHB 705, A bill to be entitled An Act relating to liability of in-home service companies and residential delivery companies for negligent hiring.

CSHB 705 was read second time earlier today, was amended and was postponed until this time.

Amendment No. 2

Representative Mabry offered the following amendment to **CSHB 705**:

Amend **CSHB 705** on page 2 by striking lines 14 and 15 and substituting "the officer or employee entered while in the performance of the".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Mabry offered the following amendment to **CSHB 705**:

Amend **CSHB 705**, on page 3, by striking lines 9 through 17.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Mabry offered the following amendment to **CSHB 705**:

Amend **CSHB 705**, on page 4, line 20 by striking "regular" and on page 4, line 23 by striking "regular" and substituting "job".

Amendment No. 4 was adopted without objection.

CSHB 705, as amended, was passed to engrossment.

CSHB 1541 ON SECOND READING
(by Callegari)

CSHB 1541, A bill to be entitled An Act relating to the general powers and authority of water districts.

CSHB 1541 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Callegari offered the following amendment to **CSHB 1541**:

Amend **CSHB 1541** (Committee Printing) as follows:

1) On page 1, line 8, between "political subdivision" and "other than" insert "in a nonattainment area or in an affected county".

2) On page 1, lines 9 and 10, strike "in a nonattainment area or in an affected county".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 1541**:

Amend **CSHB 1541** (House Committee Printing) as follows:

(1) On page 3, line 4, strike "Section 49.153(a), Water Code, is" and substitute "Sections 49.153(a) and (e), Water Code, are".

(2) On page 3, between lines 11 and 12, insert the following:

(e) Subsection (c) does not apply to:

(1) a note issued to and approved by the:

(A) Farmers Home Administration;

(B) United States Department of Agriculture; ~~or~~

(C) Texas Water Development Board; or

(D) North American Development Bank; or

(2) a district described by Section 49.181(h).

(3) On page 3, line 26, between "Agriculture," and "or", insert "the North American Development Bank".

(4) Between page 3, line 27 and page 4, line 1, insert the following appropriately numbered section and renumber subsequent sections accordingly:

SECTION _____. Sections 49.183(a) and (b), Water Code, are amended to read as follows:

(a) Except for refunding bonds, or bonds sold to a state or federal agency or to the North American Development Bank, bonds issued by a district shall be sold after advertising for and receiving competitive sealed bids and shall be awarded to the bidder whose bid produces the lowest net effective interest rate to the district.

(b) Except for refunding bonds, or bonds sold to a state or federal agency or to the North American Development Bank, before any bonds are sold by a district, the board shall publish an appropriate notice of the sale:

(1) at least one time not less than 10 days before the date of sale in a newspaper of general circulation in the county or counties in which the district is located; and

(2) at least one time in one or more recognized financial publications of general circulation in the state as approved by the state attorney general.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative McReynolds offered the following amendment to **CSHB 1541**:

Amend **CSHB 1541** on page 14, between lines 24 and 25, by inserting the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION _____. Subchapter H, Chapter 54, Water Code, is amended by adding Sections 54.748 and 54.749 to read as follows:

Sec. 54.748. EXCLUSION OF LAND FOR FAILURE TO PROVIDE SUFFICIENT SERVICES; BONDS OUTSTANDING. (a) This section applies only to a district that has a total area of more than 5,000 acres.

(b) The board shall call a hearing on the exclusion of land from the district on a written petition filed with the secretary of the board by a landowner whose land has been included in and taxable by the district for more than 28 years if any bonds issued by the district payable in whole or in part from taxes of the district are outstanding and the petition:

(1) includes a signed petition evidencing the consent of the owners of a majority of the acreage proposed to be excluded, as reflected by the most recent certified tax roll of the district;

(2) includes a claim that the district has not provided the land with utility services;

(3) describes the property to be excluded;

(4) provides, at the petitioner's expense, facts necessary for the board to make the findings required by Subsection (c); and

(5) is filed before August 31, 2005.

(c) The board may exclude land under this section only on finding that:

(1) the district has never provided utility services to the land described by the petition;

(2) the district has imposed a tax on the land for more than 28 years;

(3) all taxes the district has levied and assessed against the land and all fees and assessments the district has imposed against the land or the owner that are due and payable on or before the date of the petition are fully paid; and

(4) the executive director has reviewed the economic impact of the proposed exclusion of land and does not oppose the exclusion.

(d) If evidence presented at the hearing conclusively demonstrates that the requirements and grounds for exclusion described by Subsections (b) and (c) have been met, the board may enter an order excluding the land from the district. If the board enters an order excluding the land, the board shall redefine in the order the boundaries of the district to embrace all land not excluded.

(e) A copy of an order excluding land and redefining the boundaries of the district shall be filed in the deed records of the county in which the district is located.

(f) The exclusion of land under this section does not impair the rights of holders of any outstanding bonds, warrants, or other certificates of indebtedness of the district.

(g) After any land is excluded under this section, the district may issue any unissued additional debt approved by the voters of the district before exclusion of the land under this section without holding a new election. Additional debt issued after land is excluded from the district may not be payable from and does not create a lien against the taxable value of the excluded land.

(h) For purposes of this section and Section 54.749, "land" includes any improvements to the land, and when used in the context of property taxes, "land" has the meaning assigned to "real property" by Section 1.04, Tax Code.

Sec. 54.749. TAX LIABILITY OF EXCLUDED LAND; BONDS OUTSTANDING. (a) Land excluded from the district under Section 54.748 that is pledged as security for any outstanding debt of the district remains pledged for its pro rata share of the debt until final payment is made. The district shall continue to levy and collect taxes on the excluded land at the same rate levied on land remaining in the district until the amount of taxes collected from the excluded land equals the land's pro rata share of the district's debt outstanding at the time the land was excluded from the district.

(b) The district shall apply the taxes collected on the excluded land only to the payment of the excluded land's pro rata share of the debt.

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representative Farrar, Representative Callegari offered the following amendment to **CSHB 1541**:

Amend **CSHB 1541** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 49.052, Water Code, is amended by adding Subsection (h) to read as follows:

(h) This subsection applies only to a district that is located wholly within the boundaries of a municipality with a population of more than 1.5 million, that is governed by Chapter 375, Local Government Code, and that is governed by an

appointed board consisting of nine or more members. Notwithstanding Subsection (f) or (g), a person is considered to have resigned from serving as a member of the board if the person fails to attend three consecutive meetings of the board. The remaining board members by majority vote may waive the resignation under this subsection if fairness requires that the absences be excused on the basis of illness or other good cause.

Amendment No. 4 was adopted without objection.

CSHB 1541, as amended, was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, upon evening recess of legislative day 66, approximately 1:00 a.m. today, May 10, E2.024, for a formal meeting.

Government Reform, upon evening recess of legislative day 66, approximately 1:00 a.m. today, May 10, speakers committee room, for a formal meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative Wilson moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider all business from Wednesday, May 7, **HB 3072**, and **SB 270**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 8 a.m. today, May 10, E2.010, for a public hearing, to consider all bills posted from Wednesday, May 7, **HB 3072**, and **SB 270**.

FIVE DAY POSTING RULE SUSPENDED

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to meet on May 13 at 8 a.m. rather than upon adjournment to consider **SB 1804**, **SB 1572**, **SB 1573**, and **SB 1574**.

The motion prevailed without objection.

PRINTING RULE SUSPENDED

Representative Van Arsdale moved to suspend House Rule 2, Section 1(a)(9) so all house bills passed to engrossment as amended on legislative day 66 on the major and general state calendars can be sent to the senate in the form of engrossed riders.

The motion prevailed without objection.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to recess.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Cultural and Recreational Resources, upon evening recess of legislative day 66, approximately 1:00 a.m. today, May 10, Desk 69, for a formal meeting, to consider committee business.

Law Enforcement, upon evening recess of legislative day 66, approximately 1:00 a.m. today, May 10, Desk 66, for a formal meeting.

PROVIDING FOR RECESS

Representative Griggs moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house recess until 9 a.m. today.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RECESS

In accordance with a previous motion, the house, at 1:07 a.m. Saturday, May 10, recessed until 9 a.m. today.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3635 (By Hughes), Relating to the creation, administration, powers, duties, operation, and financing of the Upshur Groundwater Conservation District.

To Natural Resources.

HCR 248 (By Hilderbran), Recognizing Hill's Cafe in Austin as the home of the Texas Heritage Songwriters Collection.

To Rules and Resolutions.

HCR 249 (By Hilderbran), Honoring Ross Snodgrass of Kerrville on his 100th birthday.

To Rules and Resolutions.

HR 1080 (By Bohac), Honoring John Rainey Lanham of Houston for achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 1081 (By Bohac), Congratulating Elizabeth Alford on being named the 2003 Spring Branch Independent School District Elementary Teacher of the Year.

To Rules and Resolutions.

HR 1082 (By Bohac), Honoring Robert Springer and the former Tricia Brugger on their wedding.

To Rules and Resolutions.

HR 1084 (By Callegari), Honoring Phillip and Julie Ann Dautrich of Katy on the birth of their son, Kason Lane Dautrich.

To Rules and Resolutions.

HR 1085 (By Keel), Honoring Karen Calvert of Austin on her 50th birthday.

To Rules and Resolutions.

HR 1090 (By Dawson), Honoring Ruby Lee Sandars for being named 2002 Citizen of the Year by the Pearland Chamber of Commerce.

To Rules and Resolutions.

HR 1093 (By Bohac), Honoring Roland Henneke Kapalski on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1094 (By Bohac), Honoring Daniel Herrmann on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1095 (By Bohac), Honoring Kevin Joseph Boehm of Houston on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1096 (By Bohac), Honoring Dustin Wright Decker of Houston for attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1097 (By Bohac), In memory of Ed B. Smith of Houston.

To Rules and Resolutions.

HR 1098 (By Bohac), Honoring Janet Dobbs as Spring Branch ISD's 2003 Secondary School Teacher of the Year.

To Rules and Resolutions.

HR 1099 (By Bohac), Congratulating Larry Keast on the opening of his new Venturetech manufacturing facility in Houston.

To Rules and Resolutions.

HR 1101 (By Bohac), Congratulating the Spring Woods High School "A Scene from Above" team on their success.

To Rules and Resolutions.

HR 1102 (By Bohac), Honoring Afghan refugee Farishta Ali and her essay on the meaning of American freedom.

To Rules and Resolutions.

HR 1103 (By Bohac), Honoring Ruby Page of Houston on her 90th birthday.

To Rules and Resolutions.

HR 1105 (By Solomons), In memory of Chief Master Sergeant Stephen D. Vollbrecht.

To Rules and Resolutions.

HR 1107 (By Wong), Congratulating Shirley Warshaw of Houston on her receipt of the David H. White Memorial Award.

To Rules and Resolutions.

HR 1108 (By Merritt), Congratulating John Becker on being named the 2003 Lindale Citizen of the Year.

To Rules and Resolutions.

HR 1109 (By Merritt), Honoring Jared Hargrave of Kilgore on his selection as boys soccer player of the year by the Kilgore News Herald.

To Rules and Resolutions.

HR 1110 (By Merritt), Congratulating Braeden Hunter Simmons of Kilgore on being named 2003 Mr. Toddler Texas Cover Boy.

To Rules and Resolutions.

HR 1112 (By P. Moreno), Recognizing the Plaza Theatre in El Paso as a treasure of Texas history within the context of movie theater architecture and development in the United States.

To Rules and Resolutions.

HR 1113 (By Gallego), Commending CBS News correspondent Jim Axelrod for his coverage of Operation Iraqi Freedom.

To Rules and Resolutions.

HR 1114 (By Dunnam), In memory of J. L. "Pete" Peters of Arlington.

To Rules and Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 37

HB 338, HB 808, HB 1322, HB 1331, HB 1370, HB 2001, HB 2234, HB 2382, HB 2383, HCR 224, HCR 225, HCR 227, HCR 228, HCR 229, HCR 230, HCR 232

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 9, 2003

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 10

Branch

SPONSOR: Carona

Honoring the wrestling team of St. Mark's School of Texas in Dallas on its 500th dual meet win.

SB 999

West

Relating to the establishment of reserve accounts to fund necessary repairs for multifamily rental housing developments assisted by the Texas Department of Housing and Community Affairs; providing an administrative penalty.

SB 1382

Armbrister

Relating to the continuation of certain professional and occupational licensing boards as self-directed and semi-independent agencies and to certain required reports for such agencies.

SB 1410

Deuell

Relating to the appointment of the Department of Protective and Regulatory Services to serve as a temporary or permanent guardian for a ward.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 9, 2003 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1022 Eissler SPONSOR: Williams
Relating to employment status and contract entitlements of public school educators who fail to obtain appropriate certification.
(Amended)

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 40 (viva-voce vote)
SB 83 (viva-voce vote)
SB 358 (viva-voce vote)
SB 408 (viva-voce vote)
SB 558 (viva-voce vote)
SB 640 (viva-voce vote)
SB 641 (viva-voce vote)
SB 749 (viva-voce vote)
SB 850 (viva-voce vote)
SB 984 (28 Yeas, 0 Nays)
SB 1564 (28 Yeas, 0 Nays)
SB 1666 (viva-voce vote)
SB 1667 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 521
Senate Conferees: Staples - Chair/Armbrister/Brimer/Estes/Lucio

SB 716
Senate Conferees: Lindsay - Chair/Ellis, Rodney/Janek/Madla/Ogden

SB 718
Senate Conferees: Madla - Chair/Deuell/Harris/Lindsay/Lucio

SB 880
Senate Conferees: Whitmire - Chair/Ellis, Rodney/Gallegos/Hinojosa/Williams

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 9, 2003 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 688 West
Relating to the boards of trustees of certain school districts.

SB 963 Shapleigh
Relating to an international trade corridor plan.

SB 970 Shapleigh
Relating to the sale or transport of certain desert plants; providing a penalty.

SB 1903 Fraser
Relating to the creation and authority of municipal development districts.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 9, 2003 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 324 (viva-voce vote)

SB 378 (viva-voce vote)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1365

Senate Conferees: Harris - Chair/Armbrister/Averitt/Jackson/Ogden

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 5**MESSAGE FROM THE SENATE****SENATE CHAMBER**

Austin, Texas

Friday, May 9, 2003 - 5

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:**SB 56**

Zaffirini

Relating to the creation of comprehensive access points for health care.

SB 206

Ellis, Rodney

Relating to the composition of the permanent school fund and the available school fund and to transfers from the permanent school fund to the available school fund.

SB 1007

West

Relating to student eligibility for a TEXAS grant based on preliminary high school transcripts.

SB 1014

Wentworth

Relating to the regulation of the subdivision of land under the jurisdiction of counties.

SB 1297

Ogden

Relating to financing authority for certain institutions of higher education for facilities.

SB 1743

Zaffirini

Relating to medical assistance in certain alternative community-based care settings.

SJR 13

Ellis, Rodney

Proposing a constitutional amendment relating to the use of income and appreciation of the permanent school fund.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 8

Agriculture and Livestock - **SB 854**

Business and Industry - **HB 541, HB 2095, HB 2406, HB 3285, SB 853, SB 1282**

Criminal Jurisprudence - **SB 827**

Defense Affairs and State-Federal Relations - **SB 652, SB 1800, SJR 55**

Economic Development - **HB 2768, HB 3298, SB 1071**

Environmental Regulation - **HCR 218, SB 1272**

Financial Institutions - **SB 252**

Government Reform - **HB 2**

Higher Education - **HB 268, HB 1058, HB 2860, HB 3331**

Human Services - **HB 2984**

Insurance - **HB 1494, HB 3029**

Juvenile Justice and Family Issues - **HB 2344**

Law Enforcement - **HB 244, HB 1382, HB 1611, HB 2553, HB 3288, SB 255, SB 307, SB 804, SB 840, SB 1445**

Licensing and Administrative Procedures - **SB 276, SB 283, SB 374, SB 1147, SB 1251**

Local Government Ways and Means - **HB 939, HB 1292, HB 2139, HB 3267, HB 3433, SB 657, SB 658, SB 1364, SB 1565**

Natural Resources - **HB 2293, HB 2978**

Public Education - **HB 1038, SB 1108**

Redistricting - **HB 3398**

Regulated Industries - **SB 1261**

State Cultural and Recreational Resources - **SB 607, SB 608**

ENGROSSED

May 8 - HB 193, HB 420, HB 498, HB 559, HB 1026, HB 1090, HB 1108, HB 1704, HB 1869, HB 2519, HB 2522, HB 2554, HB 2846, HB 2898, HB 2970, HB 3152, HB 3221, HB 3477, HB 3554

ENROLLED

May 8 - HB 338, HB 660, HB 1331, HB 2001, HB 2234, HB 2382, HCR 3, HCR 224, HCR 225, HCR 226, HCR 227, HCR 228, HCR 229, HCR 230, HCR 232

SENT TO THE GOVERNOR

May 8 - HB 44, HB 319, HB 660, HB 802, HB 850, HB 1055, HB 1075, HB 1095, HB 1295, HB 1625, HCR 3, HCR 8, HCR 226